



[O.P.NO.123 OF 2022](#)

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WEB CO **N.SATHISH KUMAR, J.**

This Original Petition has been filed under Sections 232 and 276 of Indian Succession Act, 1925, read with Order XXV Rule 5 of Original Side Rules, for the grant of Letters of Administration in respect of the Last Will and Testament of the deceased T.N.Neelakandan.

2.Heard the learned counsel for the petitioner.

3.The petitioner and the respondent are the children of the deceased T.N.Neelakandan. The deceased T.N.Neelakandan executed a will dated 03.10.2010 bequeathing the property in favour of the petitioner. The respondent has also filed consent affidavit. Hence, the petitioner, being the beneficiary of the Will, seeks Letters of Administration in his favour.

4.On the side of the petitioner, the petitioner has examined himself as P.W.1 and Exs-P.1 to P.10 were marked.



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5.P.W.1 in his evidence had narrated the averments made in the Original Petition stating that the petitioner has filed this Original Petition for the grant of Letters of Administration in his favour in respect of the Last Will and Testament executed by the deceased Mr.T.N.Neelakandan. Ex-P.1 is the original Will dated 03.10.2010 executed by the deceased; Ex-P.2 is the death certificate of the deceased; Ex-P.3 is the death certificate of the wife of the testator; Ex-P.4 is the legal heir certificate of the deceased; Ex-P.6 is the affidavit of assets showing the net value of estate as Rs.50,00,000/-; Exs-P.7 and P.8 are the paper publications and none have objected for the same; Ex-P.9 is the photocopy of the sale deed dated 17.02.1972 executed in favour of the deceased.

6.Mrs.K.Gomathi, one of the attesting witnesses of the Will has been examined as P.W.2. She has stated about the execution as well as the attestation of the Will by the said Mr.T.N.Neelakandan, while he was in sound state of mind in the presence of one Mrs.J.Premavathy. At the request of the testatrix, P.W.2 signed as second attestor to the Will. Ex-P.11 is the affidavit filed by P.W.2 in this regard. The evidence of attesting witness not only prove the execution but also attestation of the Will and there is no other materials to suspect the Will.



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7.In view of the above facts, I am of the view that the petitioner has proved the execution and attestation of the Will. Hence, the petitioner is entitled for the issuance of Letters of Administration in his favour.

8.Accordingly, this Original Petition is ordered. Issue Letters of Administration in favour of the petitioner. The petitioner is directed to duly administer the properties and credits of the deceased more fully described in the schedule. The petitioner is also directed to execute a security bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) in favour of the Assistant Registrar (O.S.II), High Court, Madras. The petitioner is further directed to render true and correct accounts once in a year.

12.12.2023

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