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

This petition has been filed under Sections 232 and 276 of the Indian Succession Act, 1925 read with Order XXV, Rule 5 of O.S. Rules, seeking to grant of Letters of Administration

2. The case of the petitioner is that the deceased R.Thangam executed a will dated 26.11.2009, wherein, the petitioner, who is the brother of the testatrix is the beneficiary, the testatrix died on 07.08.2016. The husband of the testatrix predeceased her on 21.11.2008. There is no other kin or persons interested who has to be impleaded. The amount of assets which is likely to come into the petitioner's hands does not exceed in the aggregate sum of Rs.35 lakhs and the net amount of the assets, after deducting all items which the petitioner is by law allowed to deduct is of the value of Rs.35 lakhs. The petitioner undertakes to duly administer the property and credits of the deceased R.Thangam and in any way concerning the Will by paying first her debts and then the legacies therein bequeathed



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so far as the assets will extend and to make a full and true inventory thereof to the Court within six months from the date of grant of a Letters of Administration with the Last Will annexed to the petition and also to render to this Court a true account of the said property and credits within one year from the said date.

3. The petitioner examined himself as P.W.1 and he had narrated the averments made in the petition stating that the petitioner has filed this petition for the grant of probate in her favour in respect of the Last Will and Testament executed by the testatrix on 26.11.2019. Ex.P.4 is the original copy of unregistered will executed by the deceased R.Thangam. The deceased has executed the Will on 26.11.2009. Ex.P.5 is the photocopy of death certificate of the deceased.

4. The first attester of the Will dated 26.11.2009 has been examined as P.W.2. P.W.2 in his evidence has stated that the testatrix executed her last Will and Testament on 26.11.2009 in his presence and in the presence of Mr.Subramony and at the request of the testatrix, the said Mr.Subramony



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and P.W.2 have subscribed their signatures in the presence of the testatrix.

He has further deposed that while executing the Will, the testatrix was in a sound and disposing state of mind and in his presence the attesting witnesses subscribed their signature in the Will. The evidence of P.W.1 and P.W.2 not only prove execution but also attestation of the Will and there is no other materials to suspect the Will.

5. 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.

6. Accordingly, this petition is allowed. 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.



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