



[O.P.NO.9 OF 2023](#)

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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 R.R.Kumar.

2.Heard the learned counsel for the petitioner. Despite service of notice, the first respondent remained *exparte* and set *exparte*.

3.The deceased R.R.Kumar, during his lifetime, while he was in sound state of mind, executed a Will dated 01.10.2017 bequeathing the property in favour of the petitioner, who is none other than the wife of the deceased. The respondents are the daughter and son of the deceased. The deceased died on 28.07.2020. The petitioner is the sole beneficiary of the Will and hence, seeks Letters of Administration.

4.On the side of the petitioner, the petitioner has examined



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herself as P.W.1 and Exs-P.1 to P.18 were marked. The second respondent has no objection for granting Letters of Administration and he has also filed consent affidavit.

5.P.W.1 in her 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 her favour in respect of the Last Will and Testament executed by the deceased R.R.Kumar. Ex-P.1 is the original Will dated 01.10.2017 executed by the deceased; Ex-P.2 is the computer generated death certificate of the deceased; Ex-P.3 is the legal heir certificate of the deceased; Exs-P.4 to P.14 are filed to prove the title of the property; Ex-P.15 is the bank statement to prove the assets held by the deceased; Ex-P.16 is the affidavit of assets showing the net value of the estate as Rs.91,82,486/-; Exs-P.17 and P.18 are the paper publications and none have objected for the same.

6.Mr.R.R.Loganathan, one of the attesting witnesses of the Will has been examined as P.W.2. He has stated about the execution as well as the attestation of the Will by the said R.R.Kumar while he was in sound state of



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mind in the presence of one Mr.R.R.Sridhar. At the request of the testator, P.W.2 signed as first attestor to the Will. Ex-P.19 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.

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 her 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.

20.12.2023



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