



O.P.No.895 of 2016

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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 second petitioner is that the deceased M.Kannappan @ M.Kannappa Gramani executed a will dated 10.08.2001, wherein, the husband of the second petitioner/first petitioner is the beneficiary and the testator died on 27.10.2002 issue less. The husband of the second petitioner took care of the testator from his very young age. The brothers of the testator namely M.Duraisamy Gramani and M.Venugopal Gramani predeceased the testator and also died issueless. The husband of the petitioner also died during the pendency of this Original Petition, hence, his wife is impleaded as the second petitioner as per the Order dated 06.01.2021 in A.No.3269 of 2020. There is no other kin or persons interested who has to be impleaded. The amount of assets which is likely to



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come into the second petitioner's hands do not exceed in the aggregate sum of Rs.2,35,00,000/- and the net amount of the assets, after deducting all items which the second petitioner is by law allowed to deduct is of the value of Rs.2,35,00,000/-. The second petitioner undertakes to duly administer the property and credits of the deceased M.Kannappan @ M.Kannappa Gramani and in any way concerning the Will by paying first his debts and then the legacies therein bequeathed 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 to the petitioner 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 second petitioner examined herself as P.W.1 and she had narrated the averments made in the petition stating that the petitioner has filed this petition for the grant of letters of administration in his favour in respect of the Last Will and Testament executed by the testator on 10.08.2001. Ex.P.1 is the original Will executed by the deceased M.Kannappan @ M.Kannappa Gramani. The deceased has executed the



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Will on 10.08.2001. Ex.P.2 is the computer generated death certificate of the deceased M.Kannappan @ M.Kannappa Gramani. Ex.P.2 has been filed to prove that the testator died on 27.10.2002. Ex.P.3 is the affidavit of assets showing the net value of estate as Rs.2,35,00,000/-. Exs.P.4 & 5 are the paper publications, none have objected. Exs.P.6 & 7 are the affidavits of the first attesor and the second attesor respectively.

4. The first attesor of the Will dated 10.08.2001 has been examined as P.W.2. The second attesor of the Will dated 10.08.2001 has been examined as P.W.3. P.W.2 & P.W.3 in their evidence have stated that the testator executed his last Will and Testament on 10.08.2001 in their presence and at the request of the testator, the P.W.2 & P.W.3 have subscribed their signatures in the presence of the testator. They have further deposed that while executing the Will, the testator 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, P.W.2 & P.W.3 not only prove execution but also attestation of the Will and there is no other materials to suspect the Will.



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5. In view of the above facts, I am of the view that the second petitioner has proved the execution and attestation of the Will. Hence, the second petitioner/wife of the first petitioner is entitled for the issuance of Letters of Administration in her favour.

6. The Original Petition is ordered. Issue Letters of Administration in favour of the second petitioner. The second petitioner is directed to duly administer the properties and credits of the deceased more fully described in the schedule. The second 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 second petitioner is further directed to render true and correct accounts once in a year.

16.11.2023

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