



[O.P.NO.32 OF 2023](#)

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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 K.Varalakshmi.

2.Heard the learned counsel for the petitioner.

3.The petitioner is the daughter of the first respondent and the second respondent is the brother of the petitioner. The deceased executed a Will dated 28.12.2001. The deceased Varalakshmi died on 04.07.2008 without any issues. The petitioner's father was died on 31.05.2001. The petitioner, being one of the beneficiaries of the Will, seeks Letters of Administration in her favour.

4.On the side of the petitioner, the petitioner has examined himself as P.W.1 and Exs-P.1 to P.9 were marked.



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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 executed by the deceased Mrs.K.Varalakshmi. Ex-P.1 is the original Will dated 28.12.2001 executed by the deceased; Exs-P.2, P.3, P.4 and P.5 are filed to prove the title of the properties; Ex-P.7 is the affidavit of assets showing the net value of the estate as Rs.40,00,000/-; Exs-P.8 and P.9 are the paper publications and none have objected for the same.

6.Mr.S.Devarajan, 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 Mrs.K.Varalakshmi, while she was in sound state of mind in the presence of one Mr.R.Ganesan. At the request of the testatrix, P.W.2 signed as second attestor to the Will. Ex-P.10 is the affidavit filed by P.W.2 in this regard. The respondents have filed consent affidavits. 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 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.

28.11.2023

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