O.P.No.31 of 2023

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 petitioner is the deceased sister's grand daughter and the respondents are the mother and brother of the petitioner. The case of the petitioner is that the deceased P.Vivekanandan executed a will dated 31.12.2001 bequeathing the properties in favour of the petitioner and the testator died on 06.05.2017 as a bachelor. The deceased executed his last Will and Testament dated 31.12.2001. 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.40,00,000/- 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.40,00,000/-. The petitioner undertakes to duly administer the property

and credits of the deceased P.Vivekanandan 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 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 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 probate in her favour in respect of the Last Will and Testament executed by the testator on 31.12.2001. Ex.P.4 is the original Will executed by the deceased P.Vivekandan. The deceased has executed the Will on 31.12.2001. Ex.P.5 is the computer generated death certificate of the deceased P.Vivekandan. Ex.P.5 has been filed to prove that the testator died on 06.05.201. Ex.P.9 is the affidavit of assets showing the net value of estate as Rs.40,00,000/-. Exs.P.10 & 11 are the paper publications, none have objected.

4. The first attestor of the Will dated 31.12.2001 has been examined as P.W.2. P.W.2 in his evidence has stated that the testator executed his last Will and Testament on 31.12.2001 in his presence and in the presence of V.Shanthi and at the request of the testator, the said V.Shanthi and P.W.2 have subscribed their signatures in the presence of the testator. He has 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 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 her favour.

N.SATHISH KUMAR, J.

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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.

18.10.2023

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O.P.No.31 of 2023