



[O.P.NO.329 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 Sarala Devi @ Sarala Dasarathan.

2.The petitioner and the respondents are the children of the deceased Sarala Devi @ Sarala Dasarathan. The deceased executed a Will dated 11.03.1992 which was registered as Document No.44/1992 at the Office of the Sub Registrar, Anna Nagar, bequeathing the immovable property viz., one third right in the land together with the Ground Floor, Flat measuring an extent of 390 sq.ft., in favour of the petitioner. The mother of the petitioner died on 31.10.2019. Hence, the petitioner has filed the present petition seeking Letters of Administration in her favour.



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

4.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 Sarala Devi @ Sarala Dasarathan. Ex-P.1 is the original registered Will dated 11.03.1992 executed by the deceased; Ex-P.2 is the certified copy of the Sale Deed dated 27.02.1992 executed in favour of the deceased; Ex-P.3 is the death certificate of the deceased; Ex-P.4 is the legal heir certificate of the deceased; Ex-P.7 is the affidavit of assets showing the net value of the estate as Rs.5,00,000/-; Exs-P.8 and P.9 are the paper publications and none have objected for the same.

5.One of the attestors of the Will dated 11.03.1992 viz., Mrs.S.Vijayalakshmi was examined as P.W.2. In her evidence, P.W.2 has stated that the deceased executed her last Will and Testament on 11.03.1992 in her presence. At the request of the testatrix, P.W.2 signed as third attesting witness. While executing the Will, the testatrix was in a sound and disposing



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state of mind and in her presence, the attesting witness subscribed her signature in the Will. Ex.P.10 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.

6.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.

7.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.

17.11.2023

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