

**O.P. No.327 of 2023****N.SATHISH KUMAR, J.**

This Petition has been filed under Sections 232 and 276 of the Indian Succession Act read with Order XXV Rule 5 of the Original Side Rules, seeking to grant of Letters of Administration.

2. This petition has been filed for grant of Letters Administration in respect of the Will of one P.M.Sundaram executed on 13.04.2017.

2.1 The 1st petitioner is the son of the deceased and the 2nd petitioner, who is wife of 1st petitioner, is daughter-in-law of the deceased. The 1st respondent is the wife of the deceased and the 2nd respondent is the daughter of the deceased. The deceased P.M.Sundaram died on 12.04.2019. During his lifetime, the deceased executed a Will on 13.04.2017 registered as Document No.72 of 2017 in the Sub Registrar Office, Trichy bequeathing his immovable properties found in the schedule in favour of the petitioners.

2.2. The respondents have given their consent for grant of Letters of Administration in favour of the petitioners and to that effect, their consent affidavits were also filed before the court

2.3. The petitioners hereby undertake to duly administer the specified property and credits of the deceased in any way concerning his Will by paying the



debts first and then the legacies therein bequeathed so far as the assets will extend and to make full and true inventory thereof and exhibits the same in this Court within the six months from the date of the grant of Letters of Administration with the Last Will annexed to the petition and also to render to this Court, a true account of the said property within one year from the said date.

3. The first petitioner has been examined as P.W.1. P.W.1 in his evidence had narrated the averments made in the petition stating that the petitioners have filed this petition for grant of Letters of Administration in favour of the petitioners in respect of the Last Will and Testament executed by the deceased P.M.Sundaram on 13.04.2017. Ex.P.1 is the original Will executed by the deceased P.M.Sundaram which proves that the deceased P.M.Sundaram has executed a Will on 13.04.2017. Ex.P.2 is the copy of the death certificate of the deceased P.M.Sundaram which proves that the testator P.M.Sundaram died on 12.04.2019. Ex.P.3 is the legal heirship certificate of the deceased P.M.Sundaram. Ex.P.4 is the copy of encumbrance certificate in respect of the bequeathed property. Ex.P.5 is the property tax receipt in the name of the deceased. Ex.P.6 is the title deed of the property bequeathed by the deceased. Ex.P.7 is the affidavit of assets showing the net value of the estate as Rs.25,00,000/-. Ex.P.8 and Ex.P.9 are the paper publications effected in Tamil and English Dailies stating that persons claiming interest over the estate of the



deceased may file their objections, but none have objected for the same.

Ex.P.10 is affidavit of attesting witness to the Will.

4. One Mahendhiran, who is one of the attesting witness to the Will, was examined as P.W.2. In his evidence, he has stated that the testator was in sound and disposing state of mind while executing the Will and he has also seen the testator signing the Will and the other attesting witness signing in the document. He has also stated that the testator has seen the attesting witnesses subscribing their signature in the Will. 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.

5. In view of the above facts, I am of the view that the petitioners have proved the execution and attestation of the Will. Hence, the petitioners are entitled for the issuance of Letters of Administration in their favour.

6. Accordingly, this petition is allowed. Issue Letters of Administration in favour of the petitioners. The petitioners are directed to duly administer the properties and credits of the deceased more fully described in the schedule. The petitioners are 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),



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N. SATHISH KUMAR, J.

msr

High Court, Madras. The petitioners are further directed to render true and correct accounts once in a year.

09.10.2023

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