O.P.No.650 of 2022

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 petitioner is that the deceased Sudha Subramanyam executed a will dated 06.09.2020, wherein, the petitioner is the beneficiary and the testatrix died on 12.09.2020. The respondent is the husband of the testatrix. 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.39,30,154.24/- 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.38,30,154.24/-. The petitioners undertakes to duly administer the property and credits of the deceased Sudha Subramanyam and in any way

concerning the Will by paying first her 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 testatrix on 06.09.2020. Ex.P.1 is the original Will executed by the deceased Sudha Subramanyam. The deceased has executed the Will on 06.09.2020. Ex.P.2 is the computer generated death certificate of the deceased Sudha Subramanyam. Exs.P.3 to P.6 are the photocopies of the term deposit receipts and bank passbook. Ex.P8 is the affidavit of assets showing the net value of estate as Rs.38,30,154/-. Exs.P.9 & 10 are the paper publications, none have objected.

4. The first attestor of the Will dated 06.09.2020 has been examined as P.W.2. P.W.2 in his evidence has stated that the testatrix executed her last Will and Testament on 06.09.2020 in his presence and in the presence of Mrs.Indu Ravishankar and at the request of the testatrix, the said Mrs.Indu Ravishankar and P.W.2 have subscribed their signatures in the presence of the testatrix. He has further deposed that while executing the Will, the testatrix 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. In view of the Order dated 17.10.2023 made in A.No.5478 of 2023, the second attestor, who is the power agent and the adoptive father of the petitioner, is permitted to collect the security from the Court on behalf of the petitioner.

07.11.2023

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