



[O.P.NO.333 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 Will and Testament of the deceased D.Ramamoorthy and R.Padmavathi.

2.The case of the petitioners is the deceased D.Ramamoorthy and R.Padmavathi are their parents and they executed a Will on 28.11.2019. The mother of the petitioners died on 21.08.2020 and their father died on 01.05.2021 leaving behind him the petitioners as his legal heirs. Hence, the petitioners have filed the above Original Petition for grant of Letters of Administration.

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

4.P.W.1 in his evidence had narrated the averments made in the Original Petition stating that the petitioners have filed this Original Petition



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for the grant of Letters of Administration in their favour in respect of the Will executed by their parents. Exs-P.1 and P.2 are the photocopies of the Sale Deeds dated 10.10.1977 and 13.02.2008 executed in favour of the deceased D.Ramamoorthy and R.Padmavathi respectively; Ex-P.3 is the original Will dated 28.11.2019 executed by the deceased D.Ramamoorthy and R.Padmavathi; Ex-P.4 is computer generated death certificate of R.Padmavathi; Ex-P.5 is the computer generated death certificate of Ramamoorthy; Ex-P.6 is the computer generated legal heir certificate of Ramamoorthy; Ex-P.7 is the affidavit of assets showing the net value of estate as Rs.71,99,000/-; Exs-P.8 and P.9 are paper publications and none have objected for the same.

5.One of the attestors of the Will dated 28.11.2019 viz., Mr.D.Srinivasan was examined as P.W.2. In his evidence, P.W.2 has stated that the deceased executed their last Will and Testament on 28.11.2019 in his presence and in the presence of one Mr.L.Duraisamy. At the request of the testator and testatrix, Mr.L.Duraisamy subscribed his signature as first attesting witness and P.W.2 signed as second witness. While executing the Will, the testator and testatrix were in a sound and disposing state of mind



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and in his presence the attesting witness subscribed his 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 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.

7.Accordingly, this Original Petition is ordered. Issue Letters of Administration in favour of the petitioners. The petitioner 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), High Court, Madras. The petitioners are further directed to render true and correct accounts once in a year.

12.10.2023

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