



[O.P.NO.287 OF 2022](#)

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WEB CO **N.SATHISH KUMAR, J.**

This Original Petition has been filed under Sections 232, 255 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 Codicil of the deceased S.Rajalakshmi.

2.The case of the petitioner is that the deceased S.Rajalakshmi is mother and first respondent is the father of the petitioner and all other respondents are children of the testatrix. The petitioner has filed the above petition for grant of Letters of Administration.

3.On the side of the petitioner, the petitioner has examined himself as P.W.1 and Exs-P.1 to P.14 were marked.

4.P.W.1 in her evidence had narrated the averments made in the petition stating that the petitioner has filed this petition for the grant of Letters of Administration in his favour in respect of the Will and Codicil of the



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deceased S.Rajalakshmi. Ex-P.1 is the certified copy of the Will dated 09.04.1990 executed by the deceased S.Rajalakshmi; Ex-P.2 is the original Codicil dated 24.07.2013 executed by the deceased S.Rajalakshmi; Ex-P.4 is computer generated death certificate of S.Rajalakshmi; Ex-P.5 is the computer generated legal heirship certificate of S.Rajalakshmi; Ex-P.6 is the computer generated death certificate of the husband (R.Srinivasa Iyer) of the deceased; Ex-P.7 is the computer generated legal heirship certificate of R.Srinivasa Iyer; Exs-P.9, P.10 and P.11 are the consent affidavits filed by the respondents 1 to 3; Ex-P.12 is the affidavit of assets showing the net value of the estate as Rs.29,20,568/-; Exs-P.13 and P.14 are paper publications and none have objected for the same.

5.One of the attestors of the Will dated 09.04.1990 viz., Mr.N.Srinivasan was examined as P.W.3. In his evidence, P.W.3 has stated that the testatrix executed her last Will and Testament on 09.04.1990 in his presence and in the presence of one Mr.S.Natarajan, who is none other than his father. At the request of the testatrix, Mr.S.Natarajan subscribed his signature as first attesting witness. While executing the Will, the testatrix was in a sound and disposing state of mind and in his presence the attesting



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witness subscribed his signature in the Will. Ex.P.16 is the affidavit filed by P.W.3 in this regard.

6.One of the attesting witness in Ex-P.2 Codicil dated 24.07.2013, Mr.R.Balasubramanian has been examined as P.W.2. He has stated in his evidence that he has signed as the first attesting witness along with Mr.P.Baskaran. The evidence of P.W.2 and P.W.3 not only prove execution but also attestation of the Will and Codicil and there is no other material to suspect the Will.

7.In view of the above facts, I am of the view that the petitioner has proved the execution and attestation of the Will and Codicil. Hence, the petitioner is entitled for the issuance of Letters of Administration in his favour.

8.Accordingly, this Original 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



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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.

12.10.2023

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