



[O.P.NO.90 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 Last Will and Testament of the deceased C.Kamala.

2.The petitioners are the nephews of the deceased C.Kamala. The testatrix's husband pre-deceased her and he died on 20.01.1976. The deceased died on 21.09.2021. They have no children born to them. The deceased executed her last Will on 20.03.2019. The parents of the testatrix also died on 15.11.1995 and 21.05.2002 respectively. The petitioners, being the legatees, seeks Letters of Administration.

3.On the side of the petitioners, the fourth 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 Last Will executed by the deceased C.Kamala. Ex-P.1 is the original registered Will dated 20.03.2019 executed by the deceased; Ex-P.2 is the certified copy of the Sale Deed dated 09.06.2004 executed in favour of the deceased; Ex-P.3 is the death certificate of the husband of the testatrix; Ex-P.4 is filed to prove the death of the sister of the deceased; Ex-P.5 is the legal heir certificate of the sister of the deceased; Ex-P.6 is the death certificate of the deceased; Ex-P.7 is the affidavit of assets showing the net value of the estate as Rs.20,00,000/-; 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 20.03.2019 viz., Mr.G.Suresh Kannan was examined as P.W.2. In his evidence, P.W.2 has stated that the deceased executed her last Will and Testament on 20.03.2019 in his presence and in the presence of one Mr.A.S.Lakshmanan. At the request of the testatrix, P.W.2 signed as second witness. While executing the Will, the testatrix was in a sound and disposing state of mind and in her 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



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

30.10.2023

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