



O.P. No.765 of 2022

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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 K.Venugopal executed on 18.04.2005, who is the uncle of the petitioner. It is the case of the petitioner that testator K.Venugopal's wife predeceased him, they had no issues and the testator left the Will in respect of the property shown in the Will in favour of the petitioner. The petitioner hereby undertakes 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 a Letters of Administration with the Last Will annexed to the petition and also



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to render to this Court a true account of the said property within one year from the said date.

3. The petitioner has been examined as P.W.1 and Exs.P1 to P33 were marked. P.W.1 in her evidence had narrated the averments made in the petition stating that the petitioner has filed this petition for grant of Letters of Administration in favour of the petitioner in respect of the Last Will and Testament executed by the deceased K.Venugopal on 18.04.2005. Exs.P1 to P19 were filed to show that testator has acquired title by way of allotment from Tamil Nadu Slum Clearance Board. Ex.P20 is the Original Will dated 18.04.2005 executed by K.Venugopal. Ex.P21 is the Death Certificate of the testator K.Venugopal and Ex.P26 is the Death Certificate of V.Narasammal, wife of the testator. Exs.P23 and P24 are the receipts issued by Tamil Nadu Slum Clearance Board in favour of K.Venugopal. Exs.P27 and P28 were filed to show that testator was in occupation of the property.

4. One of the attesting witnesses, Mr.S.Narayanasamy was examined as PW2. He has spoken about the execution of the Will by the Testator in the sound state of mind and in good health and the testator signed in the



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Will in his presence. The evidence of attesting witness not only proves 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 petitioner has proved the execution and attestation of the Will. Hence, the petitioner is entitled for the issuance of Letters of Administration in herfavour.

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.

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