



[O.P.NO.580 OF 2022](#)

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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.Murugesu Naicker.

2.Heard the learned counsel for the petitioner and the learned counsel for the respondents.

3.The petitioner is the grandson of the deceased C.Murugesu Naicker. The respondents are the brothers and sister of the petitioner. The testator C.Murugesu Naicker executed a Will dated 22.09.1983 which was registered as Document No.43/1983 in the Office of the Sub-Registrar, Tambaram. The petitioner, being one of the beneficiaries of the Will, seeks Letters of Administration in his favour.

4.Despite service of notice, none appeared for the respondents and the respondents set *ex parte*.



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

6.P.W.1 in his evidence had narrated the averments made in the Original Petition stating that the petitioner has filed this Original Petition for the grant of Letters of Administration in his favour in respect of the Last Will executed by the deceased C.Murugesu Naicker. Ex-P.1 is the photocopy of the Sale Deed dated 26.07.1979 filed to prove the title of the property; Ex-P.2 is the certified copy of the Will and Testament dated 22.09.1983 executed by the deceased; Ex-P.3 is the death certificate of the deceased; Ex-P.4 is the legal heirship certificate of the deceased; Ex-P.5 is the death certificate of Mrs.K.Sivabooshanam and Ex-P.6 is the legal heirship certificate of Mrs.K.Sivabooshanam; Ex-P.7 is the affidavit of assets showing the net value of the estate as Rs.15,00,000/-; Exs-P.8 and P.9 are the paper publications and none have objected for the same.

7.The son of one of the attestors of the Will dated 22.09.1983 viz., Mr.Ananda Gopal was examined as P.W.2. In his evidence, P.W.2 has stated that he accompanied his father Mr.K.A.Janaki Raman, when he signed the Will dated 22.09.1983 as first attesting witness. He went to Tambaram,



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SRO for the registration of the Will. His father died on 16.02.1992. The evidence of the son of one of the attesting witnesses not only prove the execution but also attestation of the Will and there is no other materials to suspect the Will.

8.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 his favour.

9.Accordingly, this Original Petition is ordered. 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.

24.11.2023

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