



[O.P.NO.1 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 S.Gomathi.

2.The petitioner is the legatee of the Will executed by the deceased. The first respondent is the step mother and respondents 2 and 3 are the step sisters of the deceased. It is the case of the petitioner that the deceased and the petitioner had friendship for more than seventeen years and she suffered from serious illness and died on 12.05.2022. The petitioner only took care of the deceased and the family members of the deceased also aware of it. Further, the deceased remained unmarried and the father of the deceased remarried the first respondent and through her, he had two daughters viz., the second and third respondents. The deceased executed a Will bequeathing her property in favour of the petitioner, which is more fully mentioned in Schedule – A. Further, the deceased also had liability which is mentioned in



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Schedule – B. The petitioner has to clear all the debts of the deceased. Hence, he seeks Letters of Administration with respect to the Will executed by the deceased on 06.03.2022.

3.On the side of the petitioner, the petitioner has examined himself as P.W.1 and Exs-P.1 to P.10 were marked.

4.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. Ex-P.1 is the death certificate of the deceased; Ex-P.2 is the original unregistered Will dated 06.03.2022 executed by the deceased; Exs-P.3 and P.4 are filed to prove the death of the parents of the deceased; Ex-P.5 is the affidavit of assets showing the net value of the estate as Rs.77,83,459/-; Exs-P.6 and P.7 are the paper publications and none have objected for the same. Exs-P.8 to P.10 are the consent affidavits given by the respondents.



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5.One of the attestors of the Will dated 06.03.2022 viz.,

Ms.S.Subha was examined as P.W.2. In her evidence, P.W.2 has stated that the deceased executed her last Will and Testament on 06.03.2022 in her presence and in the presence of one Mr.Vrushabendra. 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 her signature in the Will. Ex.P.11 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 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.

7.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



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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.

30.10.2023

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