



O.P.No.720 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 in favour of the petitioners.

2. This petition has been filed for grant of Letters Administration in respect of the Will of one V.S.Narayanan alias V.S.Narayan executed on 18.08.1991. The petitioners are the beneficiaries under the Will. The petitioners are the brother's sons of the deceased and the respondents are brother's wife and daughter of the deceased. The testator V.S.Narayanan alias V.S.Narayan died on 01.04.1997. The respondents have no objection for grant of Letters of Administration in favour of the petitioners. The amount of assets which is likely to come to the hands of the petitioners does not exceed in the aggregate sum of Rs.4,00,00,000/- and the net amount of the said assets after deducting all the items, which the petitioners are by law allowed to deduct is only of the value of Rs.4,00,00,000/-. The petitioners



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

3. The first petitioner has been examined as P.W.1. P.W.1 in his evidence had narrated the averments made in the petition stating that the petitioners have filed this petition for grant of Letters of Administration in favour of the petitioners in respect of the Last Will and Testament executed by the deceased V.S.Narayanan alias V.S.Narayan on 18.08.1991. The Will executed by the deceased V.S.Narayanan alias V.S.Narayan has been marked as Ex.P.1. Ex.P.2 is the original death certificate of the deceased V.S.Narayanan alias V.S.Narayan. Ex.P.2 has been filed to prove that the testator V.S.Narayanan alias V.S.Narayan died on 01.04.1997. Ex.P.3 is the computer generated death certificate of the sister of the deceased. Ex.P.4 is



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computer generated death certificate of the brother of the deceased. Ex.P.5 is the legal heriship certificate of the father of the petitioners. The affidavit of assets has been filed showing the net value of the assets as Rs.4,00,00,000 /-. Paper publication has been effected but none have objected for the same.

4. One Krishna Thothadri, who is one of the attesting witness in the Will, was examined as P.W.2. In his evidence, he has stated that he has signed as the second attesting witness in the Will along with one Dr.T.S.Swaminathan. He has further stated in his evidence that the testator was in sound state of mind while executing the Will and he has also seen the testator signing the Will and the other attesting witness signing in the document. He has also stated that the testator has seen the attesting witnesses subscribing their signature in the Will. 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.



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5. In view of the above facts, I am of the view that the petitioners has proved the execution and attestation of the Will. Hence, the petitioners are entitled for the issuance of Letters of Administration in favour of the petitioners.

6. Accordingly, this petition is allowed. 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.

28.11.2023

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