



[O.P.NO.702 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 K.S.Eswaran.

2.The petitioner is the wife of the deceased K.S.Eswaran and respondent is the adoptive daughter of the deceased. It is the case of the petitioner that her husband Mr.K.S.Eswaran executed a Will dated 12.12.2020 giving life estate to the petitioner. The testator died on 15.06.2022. The mother of the deceased also died on 31.08.2003. Hence, the petitioner seeks Letters of Administration.

3.Though the respondent filed caveat, the same has been return unattended and the respondent has not contested the matter.

4.On the side of the petitioner, the petitioner has examined herself as P.W.1 and Exs-P.1 to P.14 were marked.



[O.P.NO.702 OF 2022](#)

5.P.W.1 in her 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 respect of the Last Will and Testament executed by the deceased Mr.K.S.Eswaran. Ex-P.1 is the original Will dated 12.12.2020 executed by the deceased; Ex-P.2 is the computer generated death certificate of the deceased; Ex-P.3 is the legal heir certificate of the deceased; Exs-P.4 to P.11 are filed to prove the title of the property; Ex-P.12 is the affidavit of assets showing the net value of the estate as Rs.84,80,000/-; Exs-P.13 and P.14 are the paper publications and none have objected for the same.

6.Mr.T.L.Srinivasan, one of the attesting witnesses of the Will has been examined as P.W.2. He has stated about the execution as well as the attestation of the Will by the said Mr.K.S.Eswaran, while he was in sound state of mind in the presence of one Mr.U.Sabareeswaran. At the request of the testator, P.W.2 signed as first attesor to the Will. Ex-P.15 is the affidavit filed by P.W.2 in this regard.

7.Mr.U.Sabareeswaran one of the attesting witnesses of the Will has been examined as P.W.3. He has stated about the execution as well as the attestation of the Will by the said Mr.K.S.Eswaran, while he was in sound



O.P.NO.702 OF 2022

state of mind in the presence of one Mr.T.L.Srinivasan, At the request of the testator, P.W.3 signed as second attestor to the Will. Ex-P.16 is the affidavit filed by P.W.2 in this regard. The evidence of 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 her 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.

22.12.2023

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O.P.NO.702 OF 2022

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O.P.NO.702 OF 2022

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