



[O.P.NO.758 OF 2022](#)

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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 Will and Testament of the deceased S.Jayalakshmi.

2.The petitioner is the daughter of Late S.Jayalakshmi's (deceased) sister and the respondents are the brothers of the husband of the deceased. They remained *exparte*. One S.Sundaresan is the husband of the deceased. It is the case of the petitioner that the deceased has executed a Will dated 27.02.2021 in favour of the petitioner bequeathing all the properties. The testatrix died on 19.08.2021. Hence, the petitioner seeks grant of Letters of Administration.

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



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4.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 her favour in respect of the Will executed by the deceased. Ex-P.1 is filed to prove the title of the property; Ex-P.2 is the photocopy of the Will dated 05.07.2019 executed by S.Sundaresan (husband of the deceased). According to the petitioner, the deceased has derived title from the Will executed by her husband. Ex-P.3 is the death certificate of S.Sundaresan and Ex-P.4 is the legal heirship certificate of S.Sundaresan; Ex-P.5 is the death certificate of the deceased; Ex-P.6 is the original Will dated 27.02.2021 executed by the deceased; Ex-P.7 is the property tax receipt; Ex-P.8 is the affidavit of assets showing the net value of the estate as Rs.17,75,000/-; Exs-P.9 and P.10 are the paper publications and none have objected for the same.

5.One of the attestors of the Will dated 27.02.2021 viz., Mr.S.Neelam was examined as P.W.2. In his evidence, P.W.2 has stated that the deceased executed her last Will and Testament on 27.02.2021 in his presence and in the presence of one Mr.P.Guham. At the request of the testatrix, P.W.2 subscribed his signature as first attesting witness. While



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executing the Will, the testatrix was in a sound and disposing state of mind and in her presence the attesting witness subscribed his 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.It is also stated by the petitioner that the deceased Jayalakshmi is the only legal heir to her husband and therefore, the petitioner is entitled for the relief sought in this petition.

7.Considering the said aspect and also the fact that the respondents remained *exparte*, 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.

8.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.

13.10.2023

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