



O.P.No.77 of 2022

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WEB COPY

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 petitioner.

2. This petition has been filed for grant of Letters Administration in respect of the Will of one K.Ramachandra Rao executed on 15.12.2017 bequeathing the schedule properties in favour of the petitioner. The respondent is the wife of the testator, they have no issues and the petitioner is the respondent's cousin brother. The deceased died on 19.04.2021. It is the case of the petitioner that the respondent also died during the pendency of this Original Petition and she has also filed consent affidavit before his death to grant Letters of Administration in favour of the petitioner. The amount of assets which is likely to come to the petitioner's hand do not exceed in the aggregate sum of Rs.50,00,000/- and the net amount of the



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WEB COPY said assets after deducting all the items, which the petitioner is by law to deduct is only of the value of Rs.50,00,000/-. The petitioner 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 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 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 petitioner has filed this petition for grant of Letters of Administration in his favour in respect of the Last Will and Testament executed by the deceased K.Ramachandra Rao on 15.12.2017. The Will executed by the deceased K.Ramachandra Rao has been marked as Ex.P.1. The deceased K.Ramachandra Rao has executed the Will on 15.12.2017. Ex.P.2 is the computer generated death certificate of K.Ramachandra Rao. Ex.P2 has



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been filed to prove that the deceased died on 19.04.2021. Ex.P.5 is the affidavit of assets showing the net value of the estate as Rs.50,00,000/-.

Exs.P.6 & P.7 are the paper publications, but none have objected for the same. Consent affidavit is filed by the wife of the deceased/respondent, before her death.

4. Both the attesting witnesses of the will had died and Mrs.M.Rathikumari, wife of one of the attesting witness namely Mr.T.Mahendra Babu is examined as PW2. In her evidence, she has stated that she is acquainted with the signature of her husband, who was the second attesting witness in the Will. P.W.1. has stated the execution of the will dated 15.12.2017.

5. Considering the nature of the evidences and consent affidavit filed by the respondent, this Court is of the view that the petitioner has proved the Will. Hence, the petitioner is entitled for the issuance of Letters of Administration in his favour.



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6. Accordingly, this petition is allowed. 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.

15.12.2023

dhk

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