



[O.P.NO.342 OF 2023](#)

O.P.NO.342 OF 2023

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 Will and Testament of the deceased R.Seethalakshmi.

2.The petitioner and respondents 1 to 6 are the grandchildren of the deceased R.Seethalakshmi and respondents 7 and 8 are the sisters of the petitioner. The case of the petitioner is that the deceased R.Seethalakshmi, grandmother of the petitioner, has executed a Will dated 21.01.2016 bequeathing her property in favour of the petitioner. The deceased R.Seethalakshmi died on 19.06.2021. Hence, the petitioner, being the beneficiary of the Will, seeks Letters of Administration in his favour.

3.The respondents have given consent affidavits to grant Letters of Administration in favour of the petitioner.

4.On the side of the petitioner, the petitioner has examined himself as P.W.1 and Exs-P.1 to P.9 were marked.

5.P.W.1 in his evidence had narrated the averments made in the



[O.P.NO.342 OF 2023](#)

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 Will executed by Late R.Seethalakshmi. Ex-P.1 is the photocopy of the Sale Deed dated 07.06.2004 executed in favour of Mrs.R.Seethalakshmi (compared with original); Ex-P.2 is the original Will dated 21.01.2016 executed by Mrs.R.Seethalakshmi; Exs-P.3 and P.4 are the property tax receipts; Ex-P.5 is the death certificate of the deceased Mrs.Seethalakshmi; Ex-P.6 is the legal heir certificate of the deceased; Ex-P.7 is the affidavit of assets showing the net value of estate as Rs.22,54,000/-; Exs-P.8 and P.9 are paper publications and none have objected for the same.

6.One of the attestors of the Will dated 21.01.2016 viz., Mr.S.Ganapathi was examined as P.W.2. In his evidence, P.W.2 has stated that the deceased executed her last Will and Testament on 21.01.2016 in his presence and in the presence of one Mr.R.Jayarajan. 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 his presence the attesting witness subscribed his signature in the Will. Ex.P.10 is the affidavit filed by P.W.2 in this regard. The evidence of attesting witness not only prove



O.P.NO.342 OF 2023

the execution but also attestation of the Will and there is no other materials to suspect the Will.

7.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.

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 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

TK



WEB COPY



[O.P.NO.342 OF 2023](#)

N.SATHISH KUMAR, J.

TK

O.P.NO.342 OF 2023

13.10.2023