



[O.P.NO.476 OF 2023](#)

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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 S.Kuppammal.

2.Heard the learned counsel for the petitioners.

3.It is the case of the petitioners that the sixth petitioner is the brother of the deceased S.Kuppammal. Petitioners 1 to 5 and 7 to 9 are the niece and nephews of the deceased. The deceased died issueless and her husband also pre-deceased her. During her lifetime, the deceased, while she was in sound state of mind, executed a Will dated 22.06.2016, which was registered as Document No.114/2016 in Book III in the Office of the Sub Registrar, Avadi. The testatrix died on 14.07.2017 and her husband died on 01.01.2003. Hence, the petitioners, being the beneficiaries of the Will, seeks Letters of Administration in their favour.



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4. On the side of the petitioners, the first 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 Original Petition stating that the petitioners have filed this Original Petition for the grant of Letters of Administration in their favour in respect of the Last Will executed by the deceased Mrs.S.Kuppammal. Ex-P.1 is the original Will and Testament dated 22.06.2016 executed by the deceased; Ex-P.2 is the death certificate of the deceased; Ex-P.3 is the death certificate of the husband of the testatrix; Exs-P.5 and P.6 are filed to prove the title of the properties; Ex-P.7 is the affidavit of assets showing the net value of the estate as Rs.98,80,000/-; Exs-P.8 and P.9 are the paper publications and none have objected for the same.

6. Mr.M.Sivalingam, 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 Mrs.S.Kuppammal, while she was in sound state of mind in the presence of one Mr.Padmanaban. At the request of the testatrix, P.W.2 signed as second attester to the Will. Ex-P.10 is the affidavit



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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.

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

8.Accordingly, this Original Petition is ordered. 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 petitioner is further directed to render true and correct accounts once in a year.

12.12.2023

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