



O.P.No.370 of 2004

WEB COPY

C.V.KARTHIKEYAN,J.

This Original Petition has been filed taking advantage of Sections 232 and 276 of the Indian Succession Act, 1925 along with relevant rules of the Original Side of Madras High Court seeking grant of Letters of Administration with Will annexed with respect to the Will of T.P.Kannan Naidu alias Munusamy, who had died on 21.11.1998..

2.It is stated that he had executed a Will dated 10.02.1993 which was registered as Document No.7 of 1993 in the Sub-Registrar Office at Thousand Lights. The respondents are his son and two daughters. The 1st petitioner is his wife and the 2nd petitioner is his son. The respondents had been set ex-parte after due process followed by the Court. Pending the petition, the 1st petitioner died and the 2nd petitioner and the respondents have been recognized as legal heirs. A memo in that regard had been filed and necessary amendment has also been made to the cause title.



WEB COPY

3. After following due procedure, the petitioners, were directed to tender evidence and accordingly, the 2nd petitioner examined himself as PW-1. He marked the Will dated 10.02.1993 as Ex.P1. The death certificate and the legal heirship certificate of his father were marked as Exs.P2 and P3. The death certificate and the legal heirship certificate of his mother / 1st petitioner were marked as Exs.P4 and P5.

4. The 2nd petitioner also examined as PW-2, the son of the first attesting witness. The first attesting witness had died on 13.05.2023. The death certificate of the first attesting witness was marked as Ex.P6. He also stated that the second attesting witness had also died and his death certificate was marked as Ex.P7. The witness claimed that he knew the normal signature of the attesting witnesses and affirmed their signatures in Ex.P1, Will.

5. In view of the evidence produced, which is in conformity with Section 69 of the Indian Evidence Act, 1872, the Will stands proved and I hold there is every ground to grant the relief sought in the Original Petition namely, granting Letters of Administration with Will annexed to the 2nd



petitioner.

WEB COPY

6. With the above observations, this Original Petition stands allowed.

The 2nd petitioner is directed to duly administer the properties and credits of the deceased more fully described in the schedule. The 2nd petitioner is directed to execute a 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 2nd petitioner is further directed to render true and correct accounts once in a year.

10.06.2024

smv



WEB COPY



C.V.KARTHIKEYAN,J.

smv

O.P.No.370 of 2004

10.06.2024