



RMT.TEEKAA RAMAN,J.

This original petition has been filed taking advantage of Sections 232 and 276 of the Indian Succession Act, 1925 read with Order XXV Rule 5 of O.S.Rules, seeking grant of Letters of Administration with certified copy of the Will annexed of V.K.Nageswara Rao, who had died on 05.06.2022. The petitioners are the beneficiary in the Will.

2. The deceased V.K.Nageswara Rao died on 05.06.2022, leaving behind the following persons as his only Class-I legal heirs.

i)	N.Jamuna	--	Daughter (1st Respondent)
ii)	M.Kanchana	--	Daughter (2nd Respondent)
iii)	N.Pushpalatha	--	Daughter (3rd Respondent)
iv)	V.N.Venkatswara Rao	--	Son (1st petitioner)
v)	N.Suseela	--	Daughter (4th Respondent)
vi)	V.N.Prakash Rao	--	Son (2nd petitioner)

3. The deceased V.K.Nageswara Rao, during her lifetime, executed a Will dated 08.09.2003, which was registered as Doc.No.43 of 2003 in the SRO, Kundrathur, Chennai, whereby he bequeathed the schedule-A property in favour of the 2nd petitioner herein and bequeathed the schedule-B property in favour of the 1st petitioner.



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4. The amount of assets which are likely to come to the petitioners' hands do not exceed in the aggregate sum of Rs.78,44,000/- and the net amount of the said assets, after deducting all items which the petitioners are by law allowed to deduct, is only the value of Rs.78,24,000/-

5. The petitioners were examined as P.W.1 and Exs.P1 to P9 were marked and the following documents were marked through P.W.1. are as follows:-

<i>Sl. No.</i>	<i>Exhibits</i>	<i>Documents</i>
1.	Ex.P1	The original Will dated 08.09.2003 executed by Mr.V.K.Nageswara Rao.
2.	Ex.P2	The sale deed dated 27.09.1982 executed in favour of Mr.V.K.Nageswara Rao
3.	Ex.P3	The sale deed dated 13.03.1995 executed in favour of Mr.V.K.Nageswara Rao
4.	Ex.P4	The death certificate of Mr.V.K.Nageswara Rao.
5.	Ex.P5	The legal heir certificate of Mr.V.K.Nageswara Rao
6.	Ex.P6	The certificate under Section 65B of the Indian Evidence Act, 1872.
7.	Ex.P7	The affidavit of assets showing the net value of the estate as Rs.78,24,000/-
8.	Ex.P8	The copy of the paper publication effected in one issue of Tamil Daily "Makkal Kural" dated 11.05.2024.
9.	Ex.P9	The copy of the paper publication effected in one issue of English Daily "Trinity Mirror" dated 18.05.2024.

6. Paper publication was effected as could be seen from Exs.P8 and P9



and the learned Master has not received any objections.

7. Ex.P1 Will was examined as P.W.2 and he deposed that on the date of the execution of the Will dated 08.09.2003. The testator was in a sound state of mind and in good health at the time of execution of Ex.P1 Will.

8. 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.

9. In view of the evidence adduced and since the Will had been proved in manner known to law though by taking recourse to under Section 68 of the BSNS Act, I hold there is no impediment to grant the relief sought in the Original Petition namely, granting Letters of Administration with Will annexed.

10. With the above observations, this Original Petition stands allowed. The petitioners are directed to duly administer the properties and credits of the deceased more fully described in the schedule. The petitioners are 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 petitioners are further directed to render true and correct accounts once in a year.

22.10.2024



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O.P.No.105 of 2024

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