

**O.P. No.553 of 2022**

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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.

2. This petition has been filed for grant of Letters Administration in respect of the Will of one Mr.C.J.Mohan executed on 22.12.2019. The deceased remained as bachelor all through his life and died on 29.04.2021. The deceased executed the Will on 22.12.2019 bequeathing the schedule properties in favour of the petitioner. The petitioner is the youngest brother. The other brother and sister of the deceased are C.J.Jagadeesan (deceased), B.Jotheeswari, R.Sivagami, C.J.Pasupathy(deceased). The respondents 1 to 3 are the legal heirs of the deceased C.J.Jagadeesan and the 6th respondent is the legal heir of the deceased C.J.Pasupathy. The respondents 1 to 5 have given their consent affidavit for grant of letters of administration in favour of the petitioner. The amount of assets which is likely to come to the



petitioner's hand does not exceed in the aggregate sum of Rs.96,34,764/- and the net amount of the said assets after deducting all the items, which the petitioner is by law allowed to deduct is only of the value of Rs.96,31,764/-.

The petitioner hereby undertakes 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 exhibit the same in this Court within the six months from the date of the grant of a Letters of Administration with the Last 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 C.J.Mohan on 22.12.2019. Ex.P.1 is the original will dated 22.12.2019 executed by the deceased. Ex.P2 is the computer generated death certificate of the deceased. Ex.P27 is the affidavit of assets showing the net value of the estate as



Rs.96,31,764/-. Ex.P.28 and Ex.P.29 are paper publications, but none have objected for the same. The respondents 1 to 5 have given their consent affidavit for grant of letters of administration in favour of the petitioner.

4. One MrK.Mahendran, who is one of the attesting witness in the Will, was examined as P.W.2,. In his evidence, he has stated that the testator was in sound state of mind while executing the Will and he has also seen the testator affixing his signature in the Will and the other attesting witness signing in the document. He has also stated that the testator has seen the attesting witnesses subscribing their signature in the Will. 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.

5. 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.

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.

14.02.2024

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