



RMT.TEEKAA RAMAN,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 of Mr.Joshua Isaiah, who had died on 21.11.2010.The petitioner is the beneficiary in the Will.

2. The Will was duly executed at Chennai and registered at document No.12 of 2004 before Sub Registrar, Alandur on 09.02.2004 before the two witnesses who signed in the bottom of the Will. The said Will, no executor was appointed.

3. The amount of assets which is likely to come to the petitioner hands does not exceed in the aggregate a sum of Rs.2,03,10,000/- and the net amount of the said assets, after deducting all items which the petitioner is by law allowed to deduct is only of the value of Rs.2,03,10,000/- .

4. The respondents 5 to 11 who are the beneficiaries give their consent for Letters of Administration with reference to the properties contained in the Will annexed to the petitioner. Likewise the petitioner 1 to 4 who are the legal heirs of the deceased and also the father of the beneficiaries give their No Objection for the grant of Letters of Administration to the petitioner.



5. The petitioner examined as P.W.1 and Exs.P1 to P6 were marked.

One of the attestors examined orally as P.W.2 and marked as Ex.P7.

6. 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	Original Will dated 09.02.2004 executed by Mr.Joshua Isaiah
2.	Ex.P2	Photocopy of the death certificate of Mr.J.Isaiah
3.	Ex.P3	Photocopy of the legal heir certificate of Mr.J.Isaiah
4.	Ex.P4	Affidavit of assets showing the net value of the estate as Rs.2,03,10,000/-
5.	Ex.P5	Copy of the paper publication effected in one issue of Tamil Daily "Dina Kural" dated 08.05.2024.
6.	Ex.P6	Copy of the paper publication effected in one issue of English Daily "Southern Mail" dated 30.04.2024.
7.	Ex.P7	Order XXV, Rule 4(C) affidavit of the attesting witness

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. 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 every reason to grant the relief sought in the Original Petition namely, granting Letters of Administration with Will annexed.



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

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

15.10.2024

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