

O.P.No.633 of 2023

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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, relating to a Will dated 05.11.2002 executed by K.Annapoorna, who had died on 08.01.2016.

2.It is stated that K.Annapoorna had not mentioned any executors in the Will. The petitioners are the beneficiaries, therefore, they filed this petition seeking Letter of Administration with Will annexed. Additionally, the 1st petitioner is also the adopted daughter of the testatrix and she had also mentioned that fact in the Will. She had also described the 2nd petitioner as her grandson.

3.To further prove the Will, the petitioners have called one of the attesting witness B.V.Nageswara Rao and he had been examined as PW-2. He had stated in his chief examination that he was physically present when the testatrix had executed the Will and had signed the Will along with the other attesting witness. They had both seen the testatrix actually signing the Will and they also signed the Will in the presence of testatrix. He also identified the Will. The 2nd petitioner was examined as PW-1 and he marked



the original registered Will dated 05.11.2002 as Ex.P2 and the death certificate of the testatrix as Ex.P3. The document relating to the title of the property, which had been bequeathed to the petitioners has been marked as Ex.P1.

4.In view of the evidence adduced, I hold there is every reason to grant the relief sought in the Original Petition namely, granting Letters of Administration with Will annexed.

5.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.

04.04.2024

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