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N.SATHISH KUMAR, J.

This petition has been filed under Sections 232 and 276 of the Indian Succession Act, 1925 read with Order XXV, Rule 5 of O.S. Rules, seeking to grant of Letters of Administration.

2. The case of the petitioner is that the deceased V.Sobhanadri Rao executed a registered will dated 19.02.1991 bequeathing the schedule property in favour of the petitioner and the testator died on 06.01.1994. The petitioner is the grandchildren of the deceased and the beneficiary under the said will. The petitioner is the younger son's son of the deceased. The first respondent is the elder son of the deceased and the second respondent is the mother of the petitioner and daughter in law of the deceased. It is also stated by the petitioner that the attesting witnesses have expired and they are no more. Hence, the daughter of first attesting witness namely Mrs.Vellanki Vijayalakshmi is examined as third party to identify the signature of the attesting witness. The second respondent/daughter in law of the deceased is



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examined to identify the signature of the testator in the will. There is no other kin or persons interested who has to be impleaded. The amount of assets which is likely to come into the petitioner hand do not exceed in the aggregate sum of Rs.1,75,00,000/- and the net amount of the assets, after deducting all items which the petitioner is by law allowed to deduct is of the value of Rs.1,75,00,000/-. The petitioner undertakes to duly administer the property and credits of the deceased V.Sobhanadri Rao and in any way concerning the Will by paying first his debts and then the legacies therein bequeathed so far as the assets will extend and to make a full and true inventory thereof to the Court within six months from the date of grant of Letters of Administration to the petitioner and also to render to this Court a true account of the said property and credits within one year from the said date.

3. The petitioner examined himself as P.W.1 and marked Exs.P1 to P9. The second respondent examined herself as R.W.1 and marked Ex.R1. The daughter of first attesting witness namely Vellanki Vijayalakshmi is examined as P.W.2 and marked Exs.P10 to P12.



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4. P.W.1 had narrated the averments made in the petition stating that the petitioner has filed this petition for the grant of Letters of Administration in his favour in respect of the Last Will and Testament executed by the testator on 19.02.1991. P.W.1 has also spoken about the death of the attesting witness. Ex.P.1 is the original will executed by the deceased Sobhanadri Rao. The deceased has executed the Will on 19.02.1991. Ex.P.2 is the photocopy of the death certificate of the deceased. Ex.P3 is the photocopy of the death certificate of Mrs.V.Jayalakshmi. Ex.P7 is the affidavit of assets showing the net value of the estate as Rs.1,75,00,000/- Ex.P.8 & 9 are the paper publications, none have objected. Ex.P10 is the Aadhar card of the third party/P.W.2. Ex.P12 is the computer generated death certificate of first attesor namely Mr.Venigalla Ramachandra Rao. Ex.R1 is the aadhar card of the second respondent/R.W.1.

5. The second respondent/R.W.1 has spoken about the signature of the testator in the will dated 19.02.1991. The daughter of first attesting



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witness namely Vellanki Vijayalakshmi/P.W.2 in her evidence has spoken about the signature of the first attesting witness namely Mr.Venigalla Ramachandra Rao. The evidence of R.W.1 and P.W.2 comply the provisions laid under Section 69 of the Indian Evidence Act, 1872 and hence, there is no other materials to suspect the Will.

6. 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.

7. 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.

20.03.2024



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