



O.P. No.231 of 2022

WEB COPY **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.R.Raman executed on 16.07.2008. The petitioner is the deceased's wife. The respondents 1 to 4 are the wife and children of the deceased eldest son namely R.Srinivasan. The respondents 5 and 6 are the children of the deceased and the petitioner. The deceased died on 26.04.2020. The deceased executed the Will on 16.07.2008 giving absolute right to the petitioner herein and the petitioner is the sole beneficiary. The respondents 5 and 6 have given consent for grant of Letters of Administration in favour of the petitioner. 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 exhibits 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 her evidence had narrated the averments made in the petition stating that the petitioner has filed this petition for grant of Letters of Administration in her favour in respect of the Last Will and Testament executed by the deceased Mr.R.Raman on 16.07.2008. Ex.P1 is the original will dated 16.07.2008 executed by the deceased. Ex.P2 is the original death certificate of the deceased. Ex.P.2 has been filed to prove that the testator died on 26.04.2020. Ex.P3 is the computer generated legal heir certificate of the deceased. Ex.P4 is the computer generated death certificate of the son of the deceased namely Raman Srinivasan. Exs.P5 and P6 are the consent affidavits of the respondents 5 and 6. Ex.P7 is the affidavit of assets showing the net value of the estate as Rs.3,55,07,034/-. Exs.P.8 & Ex.P.9 are the copies of paper publication, but none have objected for the same. The respondents 1 to 4 remained *ex parte*, despite service of notice.



4. One R.Krishnaswamy, who is the second 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 signing 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. Ex.P10 is the affidavit of the P.W.2.

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 her 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.

dhk

20.03.2024



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