



O.P.No.266 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 in favour of the petitioner in respect of the Will executed by the deceased Sivakama Sundaram.

2. This petition has been filed for grant of Letters Administration in respect of the Will of one Sivakama Sundaram executed on 23.01.1986 when she was in sound state of mind. The petitioner is one of the beneficiary under the Will. The petitioner is the son of the testatrix, the respondents 1 to 3 are daughters of the testatrix, the fourth and eighth respondents are the daughters-in-law of the testatrix and the respondents 5 to 7, 9 and 10 are grand daughters of the testatrix. The testatrix Sivakama Sundaram died on 03.07.2020. The petitioner and the respondents are the class I legal heirs of the testatrix and there is no other legal heir to be impleaded in this petition. **The amount of assets which is likely to come to**



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the hands of the petitioner does not exceed in the aggregate sum of Rs.60,00,000/- 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.60,00,000/-. The petitioner hereby undertake to duly administer the specified property and credits of the deceased in any way concerning her 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 and marked Ex.P.1 to Ex.P.15.

4. 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 of in respect of the Last Will and Testament



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executed by the deceased Sivakama Sundaram on 23.01.1986 The Will

executed by the deceased Sivakama Sundaram has been marked as Ex.P.1.

Ex.P.6 is the computer generated death certificate of the deceased Sivakama Sundaram. Ex.P.6 shows that the deceased Sivakama Sundaram died on 03.07.2020. Ex.P.11 to Ex.P.16 are the consent affidavits filed by the respondents 4, 5, 7, 8, 9 and 10. Ex.P.8 is the affidavit of assets showing the net value of the estate as Rs.60,00,000/-. Ex.P.9 and Ex.P.10 are paper publications, but none have objected for the same.

5. The respondents 1, 2, 3 and 6 have not filed consent affidavits and they have also not cross examined P.W.1. Hence, the respondents 1, 2, 3 and 6 are set exparte.

6. Since one of the attesting witness died and the notice sent to the other attesting witness could not be served, Mr.Subramanian, son in law of the first attesting witness, viz., V.Pichaikutty has been examined as P.W.2 to identify the signature of the his father-in-law. P.W.2 in his evidence has identified the signature of the first attesting witness. P.W.1 in his evidence



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has identified the signature of the testatrix in the Will. The evidence of P.W.1 and P.W.2 not only prove the execution but also attestation of the Will and there is no other materials to suspect the Will.

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 their favour.

8. 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 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.

04.03.2024

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