



O.P.No.574 of 2023

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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 first and second petitioners in respect of the Will of the testator C.R.Viswanathan.

2. This petition has been filed for grant of Letters of in respect of the Will of one C.R.Viswanathan executed on 29.05.2021 while he was in sound state of mind. The testator died on 15.06.2021. The first petitioner is the son of the testator, the second petitioner is the daughter and the third petitioner is the wife of the testator. The petitioners are the Class I legal heirs of the testator. There is no other kin to be impleaded in this petition. The amount of assets which is likely to come to the hands of the petitioner does not exceed in the aggregate sum of Rs.2,92,18,200/- and the net amount of the said assets after deducting all the items, which the petitioners are by law allowed to deduct is only of the value of Rs.2,91,98,200/-. The



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first and second petitioners hereby undertake 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 exhibit the same in this Court within 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 first petitioner has been examined as P.W.1. P.W.1 in his evidence had narrated the averments made in the petition stating that the petitioners have filed this petition for grant of Letters of Administration in his favour in respect of the Last Will and Testament executed by the deceased C.R.Viswanathan on 29.05.2021. The Will executed by the deceased C.R.Viswanathan has been marked as Ex.P.1. Ex.P.2 is the computer generated death certificate of C.R.Viswanathan. Ex.P.2 shows that the testator C.R.Viswanathan died on 15.06.2021. Ex.P.3 is the computer generated legal heir certificate of the testator. Ex.P.3 shows that the



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petitioners are the legal heirs of the testator. Ex.P.4 to Ex.P.10 have been filed to show the assets of the testator. Ex.P.9 is the affidavit of assets showing the net value of the estate as Rs.2,91,98.200/-.

4. One Shivani, who is the second attesting witness in the Will, has been examined as P.W.2. In her evidence, P.W.2 has stated that the testator executed his last Will and Testament on 29.05.2021 in her presence and in the presence of B.R.Malathy, who is the second attesting witness in the Will. At the request of the testator, the attesting witnesses have subscribed their signatures in the presence of the testator. She has further deposed that while executing the Will, the testator was in a sound and disposing state of mind and in her presence the attesting witnesses subscribed their signature in the Will. The affidavit of the attesting witness is marked as Ex.P.10. The evidence of P.W.1 and P.W.2 not only prove execution but also attestation of the Will and there is no other materials to suspect the Will.



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5. In view of the above facts, I am of the view that the petitioners have proved execution and attestation of the Will. Hence, the first and second petitioners are entitled for the issuance of Letters of Administration in their favour.

6. Accordingly, this petition is allowed. Issue Letters of Administration in favour of the first and second petitioners. The first petitioner is directed to duly administer the properties and credits of the deceased more fully described in the schedule. The first 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 first petitioner is further directed to render true and correct accounts once in a year.

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