



O.P.No.559 of 2023

O.P. No.559 of 2023

N.SATHISH KUMAR, J.

WEB COPY

This Petition has been filed under Sections 232 and 276 of the Indian Succession Act XXXIX r/w Order XXV Rule 5 of the High Court Original Side Rules, 1956 seeking to grant of Letters of Administration.

2. This petition has been filed for grant of Letters Administration in respect of the estate of one Talari Manikyamba. The petitioner is the grand daughter and the respondents 1 to 6 are the son and grand children of the testator.

3. It is the case of the petitioner that the testator left the Will dated 29.11.1999 bequeathing the property mentioned in the petition in favour of the petitioner. Hence it is the contention of the petitioner that the respondents have no objections and given consent affidavits, for grant of Letters of Administration in favour of the petitioner. It is also stated by the petitioner that the petitioner was examined himself as P.W.1 and Exhibits P.1 to P.5 were marked.

4. The first attesor of the Will dated 29.11.1999 has been examined as P.W.2. P.W.2 in her evidence has stated that the testator executed her



O.P.No.559 of 2023

last Will and Testament on 29.11.1999 in her presence and in the presence of N.Jayasuriya and at the request of the testator, the said N.Jayasuriya and P.W.2 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 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.

5. The amount of assets which is likely to come to the petitioners' hands does not exceed in the aggregate sum of Rs.40,00,000/- and the net amount of the said assets after deducting all the items, which the petitioner is by allowed to deduct is only of the value of Rs.39,00,000/-. The petitioner undertakes to duly administer the property and credits of the deceased Talari Manikyamba and to make a full and true inventory thereof and exhibit the same to the Court within six months from the date of grant of Letters of Administration to the petitioner and also render a true account of the said property and credits within one year from the said date.

6. 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



O.P.No.559 of 2023

petitioner has filed this petition for grant of Letters of Administration in favour of the petitioners in respect of the estate of the deceased Talari Manikyamba. Ex.P.1 is the original registered Will and Testament dated 29.11.1999 executed by T.Manikyamba. Ex.P.2 is the affidavit of assets showing the net value of the estate of Rs.39,00,000/-. Exs.P.3 and 4 are the paper publication, but none have objected for the same.

7. In view of the above facts, I am of the view that the petitioner has proved her claim and hence, the petitioner is entitled for the issuance of Letters of Administration in her 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 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.

06.03.2024

ssd

3/4



WEB COPY



O.P.No.559 of 2023

N.SATHISH KUMAR, J.

ssd

O.P. No.559 of 2023

06.03.2024