

**O.P. No.1063 of 2019****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 Mrs.S.Nagammai executed on 10.06.2016. The deceased was married to one Late Shanmuga Chettiar, who predeceased her on 21.12.2006 and they had no issues during their lifetime. The said S.Nagammai died on 16.10.2016. The deceased executed the Will on 10.06.2016 bequeathing the schedule properties in favour of the petitioner as well as the respondents herein. The first petitioner is the younger sister's son and respondents are the elder sister's sons of the deceased, who are the class-II legal heirs of the deceased. Originally, the present petition was filed by the first petitioner and subsequently during the proceedings of this petition, he died on 07.03.2020. Hence, the petitioners 2 to 4 have been brought on record as legal heirs of the first petitioner vide Order dated



16.03.2022. The respondents have given their consent affidavit for grant of letters of administration in favour of the petitioners. The amount of assets which is likely to come to the petitioners' hand do not exceed in the aggregate sum of Rs.15,00,000/- 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.15,00,000/-. The 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 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 second 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 favour of the petitioners in respect of the Last Will and Testament executed by the deceased S.Nagammai on 10.06.2016. Ex.P.1 is the photocopy of the



Family Card of RM.Shanmugam. Ex.P3 is the photocopy of the death certificate of the RM.Shanmugam Chettiar. Ex.P4 is the computer generated death certificate of the S.Nagammai. Ex.P4 is filed prove that the testatrix died on 16.10.2016. Ex.P5 is the photocopy of the Aadhar Card of the S.Nagammai. Ex.P11 is the original will dated 10.06.2016 executed by the deceased. The deceased S.Nagammai has executed the Will on 10.06.2016. Ex.P.12 is the affidavit of assets showing the net value of the estate as Rs.15,00,000/-. Exs.P.12 & P.14 are the consent affidavits given by the respondents for grant of Letters of Administration in favour of the petitioners. Ex.P.15 and Ex.P.16 are paper publications, but none have objected for the same. Ex.P18 is the certified copy of the partition deed dated 04.03.2008 effected between Mr.Sethuraman Chettiar and Mr.Manickam as the first party with the deceased as the second party.

4. One Ragupathy, who is one of the attesting witness in the Will, was examined as P.W.2,. In his evidence, he has stated that the testatrix was in sound state of mind while executing the Will and he has also seen the testatrix signing the Will and the other attesting witness signing in the document. He has also stated that the testatrix 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.

5. In view of the above facts, I am of the view that the petitioners have proved the execution and attestation of the Will. Hence, the 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 petitioners. The petitioners are directed to duly administer the properties and credits of the deceased more fully described in the schedule. The petitioners are 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 petitioners are further directed to render true and correct accounts once in a year.

10.01.2024

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