O.P. No.50 of 2023

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 Kannammal executed on 12.02.1993. The petitioners are the grand children and the sole beneficiaries of the will. The respondents 1 and 2 are the parents of the petitioners, the respondents 3 to 13 are the legal heirs of the deceased. The husband and the parents of the deceased had predeceased her. The amount of assets which is likely to come to the petitioners' hand do not exceed in the aggregate sum of Rs.50,00,000/- 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.50,00,000/-. 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 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 favour of the petitioners in respect of the Last Will and Testament executed by the deceased Kannammal on 12.02.1993. Ex.P.1 is the original will executed by the deceased. Ex.P3 is the computer generated death certificate of the deceased. Exs.P4 to P6 are the online printouts of water tax, property tax, electricity receipts in respect of the schedule property. Ex.P9 is the computer generated legal heir certificate of the deceased. Ex.P10 is the affidavit of assets showing the net value of the estate as Rs.50,00,000/-. Exs.P.11 & P.12 are paper publications, but none have objected for the

same. Ex.P18 is the affidavit of the second attestor.

4. One R.Natarajan, 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 affixing Left thumb impression in 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.

19.01.2024

dhk

N.SATHISH KUMAR, J.

dhk

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