



WEB COPY



O.P. No.346 of 2022

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 P.Shanmugam Pillai executed on 07.09.2017 bequeathing the schedule properties in favour of the petitioner. The deceased died on 09.07.2017. The petitioner is son and the respondents are the daughter and the husband of the daughter of the testator. The wife of the deceased pre-deceased the testator on 21.12.2001, similarly, the daughter of the testator also died on 26.12.2018. Hence, it is the contention of the petitioner that the petitioner being the Class-I legal heir is entitled for Letters of Administration. The amount of assets which is likely to come to the petitioner's hand do not exceed in the aggregate sum of Rs.70,00,000/-



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.69,80,000/-.

The petitioner hereby undertakes 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 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 he has filed this petition for grant of Letters of Administration in his favour in respect of the Last Will and Testament executed by the deceased P.Shanmugam Pillai on 07.09.2017. Ex.P.1 is the original will executed by the deceased. Ex.P2 is the computer generated death certificate of the deceased. Ex.P3 is the photocopy of the death certificate of Mrs.Radhamony/wife of the deceased. Ex.P4 is the photocopy of the legal heirship certificate of the deceased.



Ex.P6 is the photocopy of the death certificate of S.Sindhu. Ex.P7 is the photocopy of the legal heir certificate of S.Sindhu. Ex.P9 is the affidavit of assets showing the net value of the estate as Rs.69,80,000/-. Exs.P.10 & P.11 are the paper publications, but none have objected for the same.

4. One S.Divya, who is one of the attesting witness in the Will, was examined as P.W.2,. In her evidence, she has stated that the testator was in sound state of mind while executing the Will and she has also seen the testator signing the Will and the other attesting witness signing in the document. He has also stated that the testator 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 petitioner has proved the execution and attestation of the Will. Hence, the petitioner is entitled for the issuance of Letters of Administration in his favour.



N.SATHISH KUMAR, J.

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6. 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.

19.01.2024

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