O.P. No.181 of 2023

A.A.NAKKIRAN, J.

This Petition has been filed under Sections 232 and 276 of the Indian Succession Act and Order XXV Rule 5 of the Original Side Rules, seeking to grant of Letters of Administration in favour of the petitioner.

2. This petition has been filed for grant of Letters Administration in respect of the Will of one V.Gopalakrishnan executed on 08.02.2013. The petitioner is the only beneficiary under the Will. The petitioner is the wife of the testator. The first respondent is the eldest son; the second respondent is the daughter and the third respondent is the last son of the deceased. The testator V.Gopalakrishnan died on 26.07.2018. Parents of the deceased predeceased him. The respondents have no objection for grant of Letters of Administration in favour of the petitioner. The amount of assets which is likely to come to the hands of the petitioner does not exceed in the aggregate sum of Rs.1,48,00,000/- 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.1,47,90,000/-. The petitioner 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 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 her evidence had narrated the averments made in the petition stating that the petitioner has filed this petition for grant of Letters of Administration in her favour in respect of the Last Will and Testament executed by the deceased V.Gopalakrishnan on 08.02.2013. The Will executed by the deceased V.Gopalakrishnan has been marked as Ex.P.4. Ex.P.1 is the photocopy of death certificate of V.Gopalakrishnan. Ex.P1 has been filed to prove that the testator V.Gopalakrishnan died on 26.07.2018. Ex.P.5 is the computer generated legal heir certificate of V.Gopalakrishnan. Ex.P.5 has been filed to show that the petitioner and the respondents are the legal heirs of the testator. Ex.P.7 is the affidavit of assets showing the net value of the estate as Rs.1,47,90,000/-. Ex.P.8 and Ex.P.9 are paper publications, but none have objected for the same.

4. One P.Elangovan, first attesting witness in the Will and one M.Sivakumar, second attesting witness in the Will were examined as P.W.2 and P.W.3. In their evidence, they have stated that they had signed as first and second attesting witnesses in the Will. They have further stated in their evidence that the testator was in sound state of mind while executing the Will and they have also seen the testator signing the Will and the other attesting witness signing in the document. They have also stated that the testator has seen the attesting witnesses subscribing their signature in the Will. The evidence of attesting witnesses 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 her favour.

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 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.

06.02.2024

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A.A.NAKKIRAN,J

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