O.P. No.255 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 in favour of the petitioner.

2. This petition has been filed for grant of Letters Administration in respect of the Will of one S.Vasantha executed on 11.04.2014. The deceased is the paternal aunt of the petitioner and she is the beneficiary under the Will. The respondents are the nephew and niece of the testatrix. The testatrix S.Vasantha died on 16.03.2022. The husband of the testatrix predeceased her on 29.05.2012. 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.60,00,000/- and the net amount of the said assets after deducting all the items, which the petitioner are by law allowed to deduct is only of the value of Rs.60,00,000/-. The petitioner hereby undertake to duly administer the specified property and credits of the deceased in any way concerning her 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 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 S.Vasantha on 11.04.2014. The Will executed by the deceased S.Vasantha has been marked as Ex.P.2. Ex.P.1 is the computer generated death certificate of the testatrix. Ex.P.1 has been filed to show that the testatrix S.Vasantha died on 16.03.2022. Ex.P.3 is the computer generated death certificate of the husband of the testatrix. Ex.P.3 has been filed to show that the husband of the testatrix died on 29.05.2012.

4. One K.Vasantha, one of the attesting witness in the Will, was examined as P.W.2. In her evidence, she has stated that he has signed as the second attesting witness in the Will along with her husband S.Nagarajan. Her husband signed as the first attesting witness in the Will. She has further stated in her evidence that the testatrix was in sound state of mind while executing the Will and she has also seen the testatrix signing the Will and the other attesting witness signing in the document. She has also stated that the testatrix has seen the attesting witnesses subscribing their signature in the Will. The affidavit of the attesting witness is marked as Ex.P.4. 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 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.

05.01.2024

vrc

N.SATHISH KUMAR, J.

vrc

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