



N.SATHISH KUMAR, J.

This Petition has been filed under Sections 232, 242 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 Gurusubramanian Nagella executed on 04.11.2006. The first petitioner is the son and the petitioners 2 and 3 are the wife and son of the second son of the deceased. The respondent is the daughter of the deceased. The deceased Gurusubramanian Nagella died on 19.02.2015. The deceased executed the Will on 04.11.2006 giving absolute right to his children, viz., the petitioner/first son and the second son/husband and father of the petitioners 2 and 3. The second son of the deceased died on 06.10.2016. The wife of the deceased predeceased the deceased on 27.01.2014. The respondent has given consent for grant of Letters of Administration in favour of the petitioners. 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 their favour in respect of the Last Will and Testament executed by the deceased Mr.N.Guru Subramanian on 04.11.2006. Ex.P.1 is the original will dated 04.11.2006 executed by the deceased. Ex.P3 is the computer generated death certificate of the deceased. Ex.P.3 has been filed to prove that the testator died on 19.02.2015. Ex.P.4 is the computer generated death certificate of Mr.Ramesh Nagella/husband and father of the petitioners 2 and 3. Ex.P5 is the photocopy of the power attorney dated 31.03.2022 executed by the third petitioner in favour of the second petitioner. Ex.P8 is the affidavit of assets showing the net value of the estate as Rs.58,97,500/-. Exs.P.9 to Ex.P.12 are the copies of paper publication, but none have



objected for the same.

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4. One C.Balagopal, who is one of the attesting witness in the Will, was examined as P.W.2,. In his evidence, he has stated that the testator was in sound state of mind while executing the Will and he 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. Ex.P15 is the affidavit of the P.W.2.

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. The second petitioner, who is the power agent and the mother of the third petitioner is permitted to collect the security from the Court on behalf of the third petitioner.

20.03.2024

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O.P. No.710 of 2022

20.03.2024