



WEB **C.V.KARTHIKEYAN, J.**

This Original Petition has been filed taking advantage of Sections 232 and 276 of the Indian Succession Act, 1925 along with relevant rules of the Original Side of Madras High Court seeking grant of Letters of Administration with Will annexed with respect to the Will dated 11.10.2006 executed by Mr.P.Vaidyanathan and Mrs.V.Janaki. Mr.P.Vaidyanathan died on 20.01.2021 and Mrs.V.Janaki died on 11.10.2021. The petitioner is the sister's son of Mrs.V.Janaki and the respondents are his brothers and sisters. It is stated that there are no other legal heirs are surviving to the testator or the testatrix.

2.After following due procedure, the petitioner was directed to tender evidence and accordingly, he examined himself as PW-1. The original Will dated 11.10.2006 executed jointly by Mr.P.Vaidyanathan and Mrs.V.Janaki was marked as Ex.P1. The death certificate of Mr.Vaidyanathan and Mrs.V.Janaki were marked as Exs.P7 and P8. The legal heirship certificate of Mr.Vaidyanathan was marked as Ex.P9. The death certificate of the mother of the petitioner, R.Lalitha was marked as Ex.P11. The legal heirship certificate of Mrs.R.Lalitha was marked as Ex.P12. The documents relating to the property were marked as Exs.P2 and P13.



3.The petitioner also examined Mrs.Nithya Padmanabhan as PW-2.

She was one of the attesting witness to the Will. She affirmed that both the testator and testatrix were in a sound state of mind at the time of execution of the Will, Ex.P1. She further stated that both the testator and the testatrix signed the Will in the presence of herself and the other attesting witness and they also signed in the presence of both the testator and testatrix. She had filed an affidavit and her affidavit was marked as Ex.P15.

4.In view of the evidence produced, I hold there is every ground to grant the relief sought in the Original Petition namely, granting Letters of Administration with Will annexed to the petitioner.

5.With the above observations, this Original Petition stands allowed. 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 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.

11.07.2024

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O.P.No.685 of 2023

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