



This Original 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 Original petition has been filed for grant of Letters Administration in respect of the Will of one S.Lakshmi executed on 27.01.2020. The petitioners are brothers-in-law and the respondent is the brother of the deceased S.Lakshmi (hereinafter will be referred as "the testatrix"). The deceased while she was in sound and disposal state of mind executed the Will in question on 27.01.2020 and she died on 13.02.2020 at Valasaravakkam in Chennai. The deceased though got married to one Santhanam, died issue less and her husband and mother-in-law had predeceased her. Hence, the petitioners who are Class-II legal heirs of the deceased and being beneficiaries under the Will have come up with this petition. The sole respondent who is the brother of the testatrix had no objection in granting letters of administration in favour of the petitioners in respect of the Will executed by his deceased sister S.Lakshmi. He has also given his 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 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 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. No application has been filed in any other Court for the letters of administration of the Will of the said deceased or Letters of Administration with or without Will annexed to her property.

4. The 1st petitioner examined himself as P.W.1. P.W.1 in his evidence had narrated the averments made in the petition stating that the 2nd petitioner and he became entitled to file this petition for grant of Letters of Administration in their favour in respect of the Last Will and Testament executed by the deceased S.Lakshmi. Ex.P.1 is the photocopy of the sale deed dated 17.03.1977 executed in favour of Mr.N.Santhanam. Ex.P.2 is the original registered Will and Testament dated 27.01.2020 executed by S.Lakshmi. Ex.P.3 is the computer generated death certificate of Mrs.S.Lakshmi. Ex.P.4 is the affidavit of assets showing the net value of the estate as Rs.10,00,000/-



5. One Mr.N.Prabhakaran, who was one of the attesting witnesses to the Will, was examined as P.W.2. In his evidence, he had stated that the testator was in sound state of mind while executing the Will and he had seen the testator signing the Will and also the other attesting witness subscribing his signature in the Will (Ex.P2). He has also stated that the testator had seen the attesting witnesses subscribing their signatures in the Will. Ex.P.1 Will is a registered one. The evidence of attesting witnesses not only prove the execution but also attestation of the Will (Ex.P.2) and there is no other materials to suspect the Will.

6. In view of the above facts, this court is of the view that the petitioner has proved the execution and attestation of the Will and there is no contra evidence. Thus, the petitioner is entitled for the issuance of Letters of Administration in his favour.

Accordingly, the Original 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



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Court, Madras. The petitioners are further directed to render true and correct accounts once in a year.

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[N.SATHISH KUMAR, J.](#)

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