



WEB COPY



O.P.No.618 of 2023

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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 respect of the Will and Codicil of one Shamsia Habibullah Badsha also known as Shyamala Badsha in favour of the petitioners.

2. This petition has been filed for grant of Letters Administration in respect of the Will and Codicil of one Shamsia Habibullah Badsha also known as Shyamala Badsha executed on 28.05.2018 and 04.05.2022 respectively. The testatrix executed the Will and Codicil while she was in sound state of mind. The petitioners are the son and daughters of the testatrix. The deceased was married under Special Marriage Act, 1954. The parents and husband of the testatrix predeceased her. The testatrix had bequeathed the properties on her son and daughters viz., the petitioners herein. The petitioners are the



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beneficiaries under the Will and Codicil. The testatrix Shamsia Habibullah Badsha also known as Shyamala Badsha died on 16.10.2022. The amount of assets which is likely to come to the hands of the petitioners does not exceed in the aggregate sum of Rs.14,68,89,282.90/- and the net amount of the said assets after deducting all the items, which the petitioners are by law allowed to deduct is only of the value of Rs.14,68,69,282.90. The petitioners hereby undertake to duly administer the specified property and credits of the deceased in any way concerning her Will and Codicil by paying the debts first and then the legacies therein bequeathed so far as the assets Will and Codicil 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 and Codicil 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 favour of the petitioners in respect of the Last Will and Codicil and Testament



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executed by the deceased Shamsia Habibullah Badsha also known as Shyamala Badsha on 28.05.2018 and 04.05.2022 respectively. The certified copy of the Will and Codicil executed by the deceased Shamsia Habibullah Badsha also known as Shyamala Badsha has been marked as Ex.P.2 and Ex.P.3 respectively. Ex.P.4 is the computer generated death certificate of the husband of the testatrix. Ex.P.4 has been filed to show that the husband of the testatrix, viz., Habibullah Badsha died on 22.11.2017. Ex.P.5 is the computer generated death certificate of Shamsia Habibullah Badsha also known as Shyamala Badsha. Ex.P.5 has been filed to prove that the testatrix Shamsia Habibullah Badsha also known as Shyamala Badsha died on 16.10.2022. Ex.P.6 is the affidavit of assets showing the net value of the assets as Rs.14,68,69,282.90. Ex.P.9 and Ex.P.10 are Paper publications have been effected but none objected for the same.

4. One S.Dhayalesaran, who is one of the attesting witness in the Will and Codicil, was examined as P.W.2. In his evidence, he has stated that he has signed as the first attesting witness in the Will and Codicil along with one B.Sethuraman. He has further stated in his evidence that the testatrix was in



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sound state of mind while executing the Will and Codicil and he has also seen the testatrix signing the Will and Codicil and the other attesting witness signing in the documents. He has also stated that the testatrix has seen the attesting witnesses subscribing their signature in the Will and Codicil. The affidavit of the attesting witness is marked as Ex.P.11. The evidence of attesting witness not only prove the execution but also attestation of the Will and Codicil and there is no other materials to suspect the Will and Codicil.

5. In view of the above facts, I am of the view that the petitioners have proved the execution and attestation of the Will and Codicil. 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



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Registrar (O.S.II), High Court, Madras. The petitioners are further directed to
render true and correct accounts once in a year.

11.01.2024

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