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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.

2. Heard the learned counsel for the petitioner.

3. This petition has been filed for grant of Letters Administration in respect of the Will of one Emily Schwartz executed on 26.04.1984. The petitioner is the grandson, the first respondent is the step daughter and the second respondent is the sister of the petitioner. The deceased Emily Schwartz died on 02.01.2002. The parents of the deceased had pre-deceased her. The deceased executed the above said Will bequeathing the schedule mentioned properties in favour of the petitioner. The respondents have given consent for grant of Letters of Administration in favour of the petitioner. The amount of assets which are likely to come into the petitioner's



hand does not exceed in the aggregate sum of Rs.1,50,00,000/- and the net of the said assets after deducting all the items which the petitioner is by law allowed to deduct the value of Rs.1,50,00,000/-.The petitioner hereby undertakes 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.

4. The petitioner himself has been examined as P.W.1. P.W.1 in his evidence had narrated the averments made in the petition stating that the he has filed this petition for grant of Letters of Administration in his favour in respect of the Last Will and Testament executed by the deceased Emily Schwartz on 26.04.1984. Ex.P.5 is the original will dated 26.04.1984 executed by Mrs.Emily Schwartz. Ex.P6 is the original death certificate of Mrs.Emily Schwartz. Ex.P13 is the photocopy of the Aadhar Card of the petitioner. Exs.P14 and P15 are the photocopies of the Aadhar Card of the



respondents 1 and 2 respectively. Ex.P16 is the affidavit of assets showing the net value of the estate as Rs.1,50,00,000/-. Exs.P.17 & P.18 are paper publications, but none have objected for the same.

5. One V.Iyaswamy, who is one of the attesting witness in the Will, was examined as P.W.2,. In his evidence, he has stated that the testatrix was in sound state of mind while executing the Will and he has also seen the testatrix signing the Will and the other attesting witness signing in the document. He has also stated that the testatrix 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.

6. 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 his favour.

7. 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 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 petitioner is further directed to render true and correct accounts once in a year.

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O.P. No.637 of 2022

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