O.P. No.451 of 2023

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 favour of the petitioner in respect of the Will of the testatrix B.Bhuvana.

2. This petition has been filed for grant of Letters of Administration in respect of the Will of one B.Bhuvana executed on 26.12.2011 while she was in sound state of mind. The petitioner is the husband of the testatrix and the respondents are their son and daughter. The petitioner and the respondents are beneficiaries under the Will. The testatrix B.Bhuvana died on 13.09.2015. The respondents have given consent affidavits for grant of Letters of Administration in favour of the petitioner. The amount of assets which is likely to come to the hands of the petitioner does not exceed an aggregate sum of Rs.75,00,000/- and the net amount of the said assets after deducting all the items, which the petitioner is by law allowed to deduct is only of the value of Rs.74,80,000/-. The petitioner 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 exhibit 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. The 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 petitioner 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 B.Bhuvana on 26.12.2011. The Will executed by the deceased B.Bhuvana has been marked as Ex.P.1. Ex.P.2 is the copy of the death certificate of the deceased B.Bhuvana. Ex.P.2 has been filed to prove that the testatrix B.Bhuvana died on 13.09.2015. Ex.P.3 is the copy of the sale deed dated 16.09.1999 in favour of the petitioner and the testatrix Bhuvana. Ex.P.4 and Ex.P.5 are paper publications, but none have objected for the same.

4. The first attesting witness of the Will executed by the testatrix B.Bhuvana, Mr.J.Venkatraman was examined as P.W.2 and the second attesting witness Mrs.Sudha Sankaran was examined as P.W.3. In their evidence, P.W.2 and P.W.3 have stated that they have signed as the attesting witnesses in the Will. They have further stated in their evidence that the testatrix was in sound state of mind while executing the Will and they have also seen the testatrix signing the Will. They have also stated that the testatrix has seen the attesting witnesses subscribing their signature in the Will. The affidavit of the attesting witnesses are marked as Ex.P.6 and Ex.P.7. The evidence of attesting witnesses not only prove the execution but also attestation of the Will and there is no other materials to suspect the Will.

5. In view of the above facts, I am of the view that the petitioner has proved execution and attestation of the Will. Hence, the petitioner is 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 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.

07.03.2024

vrc

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vrc

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