



DR.G.JAYACHANDRAN, J.

This original petition has been filed under Sections 232 and 276 of the Indian Succession Act, XXXIX of 1925 and Order XXV Rule 5 of Original Side Rules, seeking grant of Letters of Administration of the Will of K.Saraswathy, who had died on 25.06.2020. The petitioners are the beneficiaries in the Will.

2. The petitioners are the brother's son and daughter of said K.Saraswathy. Since Saraswathy died issue less and her husband predecessor, there is no Class I and II legal heirs. However, she is executed a Will on 24.12.2008 and got it registered at Neelangarai Sub Register office on 24.12.2008 and she has bequeathed her property situated at Thiruvanmiyur who in favour of the petitioners who are the sons of her elder brother by name K.Subramanian. To prove the Will, the one of the attesting witness by name Mr.V.Venkatanarayanan will examine which has identified the signature testatrix. As far as the other attesting witness by name P.V.Sundara Rajan and he died on 03.06.2021 and his Death Certificate marked as Ex.A5. To ascertain the identity of the attesting witness Ex.P16- Aadhaar card of witness has been marked.



3. The first petitioner was examined as P.W.1 and Exs.P1 to P14 were marked and the following documents were marked through P.W.1. are as follows:-

Sl. No.	Exhibits	Documents
1.	Ex.P1	The photocopy of the sale deed dated 16.06.1997 executed in favour of Mrs.K.Saraswathy
2.	Ex.P2	The original registered Will and Testament dated 24.12.2008 executed by Mrs.K.Saraswathy
3.	Ex.P3	The photocopy of the death certificate of Mr.Kuppusamy
4.	Ex.P4	The computer generated death certificate of Mrs.K.Saraswathy
5.	Ex.P5	The computer generated death certificate of Mr.P.V.Sundararajan
6.	Ex.P6	The photocopy of the Aadhaar card of the 1st petitioner
7.	Ex.P7	The photocopy of the Aadhaar card of the 2nd petitioner
8.	Ex.P8	The photocopy of the Aadhaar card of the 3rd petitioner
9.	Ex.P9	The computer generated property tax receipt dated 27.07.2022 stands in the name of Mrs.K.Saraswathy
10.	Ex.P10	The photocopy of the Electricity Bill card stands in the name of Mrs.K.Saraswathy
11.	Ex.P11	The affidavit of assets showing the net value of the estate as Rs.52,81,400/-
12.	Ex.P12	The copy of the paper publication effected in one issue of Tamil Daily "Makkal Kural" dated 22.03.2024.
13.	Ex.P13	The copy of the paper publication effected in one issue of English Daily "Virtual Times" dated 08.04.2024
14.	Ex.P14	The certificate under Section 65B of Indian Evidence Act, 1872 in respect of Exs.P4, P5 and P9.

4. One of the attessor was examined as P.W.2 and marked Ex.P15 and Ex.P16. Paper publication was effected as could be seen from Exs.P12 and P13.



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5. At the time of the execution of Will, the said K.Saraswathy was in a sound and disposing state of mind and in her presence the attesting witnesses subscribed their signature in the Will.

6. In view of the above facts, I am of the view that the petitioners have proved the execution and attestation of the will. Hence, the petitioners are entitled for the issuance of Letters of Administration in their favour.

7. In view of the evidence adduced and since the Will had been proved in manner known to law by taking recourse to under Section 67 of BSA, 2023 I hold there is every reason to grant the relief sought in the Original Petition namely, granting Letters of Administration with Will annexed.

8. With the above observations, this Original Petition stands allowed. The petitioners are directed to duly administer the properties and credits of the deceased more fully described in the schedule. The petitioners are 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 petitioners are further directed to render true and correct accounts once in a year.

04.11.2024

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