



RMT.TEEKAA RAMAN,J.

This original petition has been filed taking advantage of Sections 232 and 276 of the Indian Succession Act, 1925 along with relevant rules of the Original Side of Madras High Court seeking grant of Letters of Administration with Will annexed of Smt.Rajam Rajagopal, who had died on 14.09.2016. The petitioner is the beneficiary in the Will.

2. Mr.P.A.Rajagopal is the only son to his parents late Mr.&Mrs.Anantha Ramakrishnan. They were predeceased to Shri. P.A.Rajagopal and his wife Smt. Rajam Rajagopal is the only surviving legal heir of him as they had not been blessed with children. After her demise, the petitioner attains the immovable property of Shri.P.A.Rajagopal and Smt.Rajam Rajagopal through the last Will of Smt.Rajam Rajagopal absolutely.

3. The petitioner seeks to probate the Will dated 14.09.2016, as the petitioner's paternal aunt late.Smt.Rajam Rajagopal had not appointed an Executor in her last testament Will dated 14.09.2016.

4. The petitioner examined himself as P.W.1 and marked as Ex.P1 to P11 were marked.



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5. The one of the attesor of the Will is P.K.Babu who examined as P.W.2. Mrs.Rajam Rajagopal executed Ex.P1 Will on 14.09.2016 in his presence and the presence of Mr.T.R.Devarajan.

6. On perusal of Exs.P1 to P10, the evidence of the attesor, I find that at the time of the execution of the Will, the said Rajam Rajagopal was in good state of mind and based upon the documents filed, the husband as predecessor and parents of her husband is also predecessor and present petitioner is the daughter of the brother of the said Rajam Rajagopal and she died at Malasiya and the certificate issued by the Malasiyan Authority has been produced in the document and hence in the absence of any legal heir, she had executed in favour of her brother's daughter who is the petitioner herein.

7.In view of the evidence adduced and since the Will had been proved in manner known to law though by taking recourse to under Section 68 of the BSNS Act, I hold there is every reason to grant the relief sought in the Original Petition namely, granting Letters of Administration with Will annexed.



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8. With the above observations, this Original Petition stands allowed.

The petitioner is directed to duly administer the properties and credits of the deceased more fully described in the schedule. The petitioner is 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 petitioner is further directed to render true and correct accounts once in a year.

21.08.2024

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