



O.P.No.460 of 2014

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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 favour of the second petitioner.

2. This petition has been filed for grant of Letters Administration in respect of the Will of one S.Sathyavathi executed on 02.09.2002. The first petitioner is the sister's daughter of the testatrix and the second petitioner is the brother's son of the testatrix. The testatrix bequeathed the schedule mentioned property in favour of the second respondent. As per the Will the second petitioner has to give Rs.1,50,000/- to the first petitioner on the death of the testatrix. The testatrix S.Sathyavathi died on 29.03.2011 as a spinster. The amount of assets which is likely to come to the hands of the first petitioner does not exceed in the aggregate sum of Rs.1,50,000/- and



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the net amount of the said assets after deducting all the items, which the first petitioner is by law allowed to deduct is only of the value of Rs.1,50,000/-.

The second petitioner hereby undertake to duly administer the specified property and credits of the deceased in any way concerning his 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 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 second 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 second petitioner in respect of the Last Will and Testament executed by the deceased S.Sathyavathi on 02.09.2002. The Will executed by the deceased S.Sathyavathi has been marked as Ex.P.2. Ex.P.3 is the computer generated death certificate of the deceased S.Sathyavathi . Ex.P.3



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has been filed to prove that the testatrix S.Sathyavathi died on 29.03.2011.

Ex.P.4 is the affidavit of assets showing the net value of the estate as Rs.1,50,000/-. Ex.P.5 and Ex.P.6 are paper publications, but none have objected for the same. Ex.P.7 is the consent affidavit given by the first petitioner for granting letters of administration in favour of the second petitioner.

4. One Kumareswari Ramadoss was examined as P.W.2. In his evidence, P.W.2 has stated in her evidence that the signatures found in Ex.P.2 Will are that of the testatrix. She has further stated that she knew both the attesting witnesses viz., Mr.V.Ravi and Mr.N.C.Saravanan and she was also present at the time of registration of Ex.P.2 Will before the Sub Registrar Office, Sembium. She had also stated that the testatrix and the attesting witnesses have signed in the Will in her presence. The evidence of P.W.2 not only prove the execution but also attestation of the Will and there is no other materials to suspect the Will.



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5. In view of the above facts, I am of the view that the petitioners have proved execution and attestation of the Will. Hence, the second petitioner is entitled for the issuance of Letters of Administration in his favour.

6. Accordingly, this petition is allowed. Issue Letters of Administration in favour of the second petitioner. The second petitioner is directed to duly administer the properties and credits of the deceased more fully described in the schedule. The second 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 second petitioners is further directed to render true and correct accounts once in a year.

23.01.2024

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