



O.P.No.657 of 2022

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**C.V.KARTHIKEYAN,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 Mrs.L.N.Dhanalakshmi, who had died on 07.10.2020. Her husband had predeceased her and died on 09.12.1977.

2.It is stated that they did not have any children. The father of the petitioner and of the respondents, L.N.Kailasam is the brother of Mrs.L.N.Dhanalakshmi. A Will had been executed by late L.N.Dhanalakshmi dated 08.02.1996 and it had been registered as Document No.22 of 1996 before the Sub-Registrar office at Mylapore. The petitioner by this petition seeks grant of Letters of Administration with Will annexed with respect to the properties mentioned in the said Will.

3.Originally, there were some issues relating to examination of the attesting witnesses, but later one of the attesting witness B.S.Ayyappan was examined as PW-2 and he spoke about the execution of the Will, which had been marked as Ex.P1. He also filed an affidavit, which had been marked as Ex.P7. The petitioner was examined as PW-1 and he identified the original Will, which was actually registered on 08.02.1996. The Death Certificate of



L.N.Dhanalakshmi, the executor, had been marked as Ex.P2. The death certificate of her husband had not been marked as exhibit since the learned counsel states there was only a xerox copy available. The affidavit of assests had been marked as Ex.P4 and the documents relating to publication were marked as Exs.P5 and P6. The 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> respondents, who are brother of the petitioner, have also filed their consent and have not raised any objections. Service had been deemed sufficient by the learned Master.

4.In view of the evidence adduced, I hold there is every reason to grant the relief sought in the Original Petition namely, granting Letters of Administration with Will annexed.

5.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.

**02.04.2024**

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