O.P.No.576 of 2023

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 L. Subramaniyam, who had died on 07.07.2020.

2.The learned counsel for the petitioner very fairly stated that L.Subramaniyam is not related to the petitioner herein. The father of the petitioner and L.Subramaniyam were childhood friends. They grew up together. The deceased L.Subramaniyam died as bachelor and to evidence that, the learned counsel pointed out Ex.P16 which is the Pension Payment order book, wherein, in the column nominee, he had not nominated anybody. The petitioner had grazed the witness box by examining himself as PW-1. He had marked the Original Will dated 18.11.2019 as Ex.P1 and the death certificate of L.Subramaniyam as Ex.P3. It must be stated that he died on 07.07.2020. The father of the petitioner, the close friend, died on 05.07.2017. The testator had some deposits in the bank accounts and also had a LIC policy. The petitioner would gain advantage over those amounts available in those accounts and to the Insurance Policy. The petitioner also examined both the attesting witnesses as PW-2 and PW-3. They both spoke about their presence at the time of execution of the Will and directly witnessed the signing of the deceased in the Will.

3.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.

4.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.

03.04.2024

smv

C.V.KARTHIKEYAN,J.

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