



WEB COPY



O.P. No.89 of 2023

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.

2. This petition has been filed for grant of Letters Administration in respect of the Will of one C.H.Savithri executed on 10.09.2010. The petitioner is the son of the deceased C.H.Savithri. The respondents are the husband and children of the deceased. The deceased C.H.Savithri died on 05.08.2020. The deceased executed the Will on 10.09.2010 bequeathing the schedule properties in favour of the petitioner. The respondents have given consent for grant of Letters of Administration in favour of the petitioner. The petitioner hereby undertake to duly administer the specified property and credits of the deceased in any way concerning her 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 the 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 petitioner himself examined as P.W.1. P.W.1 in his evidence had narrated the averments made in the petition stating that he has filed this petition for grant of Letters of Administration in his favour in respect of the Last Will and Testament executed by the deceased C.H.Savithri on 10.09.2010. Ex.P.1 is the photocopy of the sale deed dated 29.07.1978 executed in favour of the deceased. Ex.P5 is the original will dated 10.09.2010 executed by the deceased. Ex.P6 is the computer generated death certificate of the deceased. Ex.P7 is the computer generated legal heir certificate of the deceased. Ex.P8 is the Encumbrance Certificate from 01.01.1975 to 27.04.2021. Ex.P11 is the affidavit of assets showing the net value of the estate as Rs.34,23,980/-. Ex.P.12 & Ex.P.13 are paper publications, but none have objected for the same. Exs.P14 and P15 are the affidavits of the attesting witnesses. The respondents have filed their consent affidavits for grant of letters of Administration in favour of the



petitioner.

WEB COPY

4. Mr.S.Jaichandran, the first attesting witness in the Will, was examined as P.W.2 and Mr.R.Ramamoorthy, the second attesting witness was examined as P.W.3. In their evidence, they have stated that the testatrix was in sound state of mind while executing the Will and they have also seen the testatrix signing the Will. They have also stated that the testatrix has seen the attesting witnesses subscribing their signature in the Will. The evidence of attesting witnesses not only prove the execution but also attestation of the Will and there is no other materials to suspect the Will.

5. In view of the above facts, I am of the view that the petitioner has proved the execution and attestation of the Will. Hence, the 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 petitioner. The petitioner is directed to duly administer the properties and credits of the deceased more fully described in the schedule. The 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 petitioner is further directed to render true and correct accounts once in a year.

22.03.2024

dhk



WEB COPY



5

N.SATHISH KUMAR, J.

dhk

O.P. No.89 of 2023

22.03.2024