



O.P.No.555 of 2023

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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, relating to a Will dated 04.03.1988 executed by T. Nagappan, who had died on 14.06.1996.

2.The said T.Nagappan was the brother of the mother of the 1st petitioner. His wife had pre-deceased him and she died on 26.12.1984. They did not have any children. The 1st petitioner, therefore, claimed rights as second class legal heir. Additionally, the said T.Nagappan had also executed a Will dated 04.03.1988 in the presence of two witnesses. One of the witnesses K.Seenivasan was examined as PW-2. He affirmed the execution of Will and also the fact, it was signed in his presence and that the other attesting witness was also present at the same time and both of them had witnessed the testator signing the Will.



3.The 1st petitioner examined herself as PW-1. She also marked Exs.P1 to P6. The original Will dated 04.03.1988 and the death certificate and legal heirship certificate of the testator had been marked as Exs.P2 and P3. The affidavit of assets had been marked as Ex.P4.

4.Taking into consideration that the Will has been proved in manner known to law by examining the second attesting witness PW-2, which is one of the requisite conditions under Section 69 of the Indian Evidence Act, Letters of Administration with Will annexed is granted to the petitioners herein.

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.

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