



This Original 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 original petition has been filed for grant of letters of administration in respect of the Will of one S.Munusamy executed on 03.12.1990. The petitioners are daughters of the son of the testator viz., Kannan and grand-daughters of the testator S.Munusamy. The 1st respondent-J.Rajeswari is the daughter of the testator and wife of one G.Jayaraman and the 2nd respondent-K.Indira is the mother of the petitioners and wife of the deceased Kannan and in other words, daughter-in-law of the testator. The testator died on 16.12.2003. Subsequently, the wife of the testator namely, Indirani Ammal also died on 19.05.2012. The deceased testator, during his life time when he was hale and healthy and in good state of mind, had executed a Will on 03.12.1990 appointing his son S.Kannan sole executor of his property, more fully, described under the schedule to the petition, however, he died on 28.10.2007 without having proved the



Will in question. Now, the executor of the Will is no more and hence, the petitioners who are the beneficiaries under the Will are before this court with the present original petition.

3. Despite service of notice, as could be seen from the records, the respondents neither appeared before this court in person nor entered appearance through their respective counsel. General Paper Publication was also effected calling for objections, if any, from the interested parties, however, no objection was raised by anyone. Hence, the respondents 1 and 2 were set ex parte.

4. The petitioners 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 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.

5. The 2nd petitioner examined herself as P.W.1. P.W.1, the 2nd petitioner in her 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 the petitioners in respect of the Last Will and Testament executed by the deceased S.Munusamy on 03.12.1990. Ex.P.1 is the Original Registered Will. Ex.P.2 is the original death certificate of the testator. Ex.P.3 is the legal heir ship certificate of the testator. Ex.P.4 is the computer generated death certificate of the son of the testator. Ex.P.5 is the printout of the guideline value of the property. Ex.P.6 is the affidavit of assets showing the net value of the estate as Rs.21,00,000/-. Ex.P.7 is the copy of the paper publication effected in one issue of Tamil Daily “Dina Kural” dated 13.04.2023. Ex.P.8 is the copy of the paper publication effected in one issue of English Daily “Southern Main” dated 20.04.2023.

6. One B.Parthasarathy, who was one of the attesting witnesses to the Will, was examined as P.W.2. In his evidence, he has stated that the testator was in sound state of mind while executing the Will and he had seen the testator signing the Will and further he signed the Will as attesting witness in the presence of the testator and in the presence of the other attesting witness. He has also stated that the testator had seen both himself and the other attesting witnesses subscribing their signatures on the Will. The evidence of attesting witness not only proved the execution but also



attestation of the Will and there is no other materials to suspect the Will.

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7. In view of the above facts, this court is of the view that with the testimony of P.W.2, the petitioner has discharged the onus and has also proved the Will in accordance with law. Since there appears to be no impediment in grant of letters of administration, petitioners are held to be entitled for grant of Letters of administration in respect of the estate of the testator in favour of the petitioners to administer the same.

Accordingly, this petition is allowed. Issue Letters of Administration in favour of the petitioners. The petitioners are directed to duly administer the properties and credits of the deceased more fully described in the schedule. The petitioners are also directed to execute a security bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) jointly in favour of the Assistant Registrar (O.S.II), High Court, Madras. The petitioners are further directed to render true and correct accounts once in a year.

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[N.SATHISH KUMAR, J.](#)

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O.P. No.566 of 2021

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