



WEB CRYSTAL
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 with respect to a Will, which was executed by the testatrix Mr.Tumburu Mohanamma on 27.12.2004.

2.The Will had been deposited with the office of the Sub Registrar, SPSR Nellore District, with instruction to register the same after the death of the testatrix. The Will was then registered as Document No.392 of 2014 on 28.10.2013. The 1st petitioner is the son of the testatrix. The 2nd and 3rd petitioners are the grandsons of the testatrix. The petitioners claim that they were not aware that a formal order had to be obtained seeking Letters of Administration.

3.After following due procedure, the petitioners were directed to tender evidence. The 1st petitioner examined himself as PW-1. The certified copy of the Will was marked as Ex.P1 and the Death Certificate of the testatrix was marked as Ex.P2. The affidavit of assets was marked as Ex.P5.



4.To further prove the Will, the petitioner examined Mr.Munagala Lakshmi Narayana as PW-2, who was one of the attesting witnesses. He stated that he was the neighbour of the testatrix and that the Will was executed in his presence and in the presence of the other attesting witness. He also stated that the testatrix was in a sound state of mind at the time of execution of the Will and signed the Will in his presence. He stated that he was signed the Will as a second attestor in the presence of the Testatrix and the other attesting witness D.Ramachandra Rao.

5.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.

6.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.

18.04.2024

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O.P.No.680 of 2023

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