



O.P.No.46 of 2023

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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 in favour of the petitioner in respect of the Will of the testator Vijay Kumar Mehra.

2. This petition has been filed for grant of Letters of Administration in respect of the Will of one Vijay Kumar Mehra executed on 21.12.2021 while he was in sound state of mind. The petitioner is the wife of the testator and the respondent is their daughter. The testator died on 13.03.2022. The parents of the testator predeceased him. The petitioner and the respondent are the Class I legal heirs of the testator. There is no other kin to be impleaded in this petition. The amount of assets which is likely to come to the hands of the petitioner does not exceed in the aggregate sum of Rs.70,81,892/- and the net amount of the said assets after



O.P.No.46 of 2023

deducting all the items, which the petitioner is by law allowed to deduct is only of the value of Rs.70,51,892/-. The petitioner hereby 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 exhibit the same in this Court within 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 has been examined as P.W.1. P.W.1 in her evidence had narrated the averments made in the petition stating that the petitioner has filed this petition for grant of Letters of Administration in her favour in respect of the Last Will and Testament executed by the deceased Vijay Kumar Mehra on 21.12.2021. The Will executed by the deceased Vijay Kumar Mehra has been marked as Ex.P.1. Ex.P.2 is the computer generated death certificate of Vijay Kumar Mehra. Ex.P.2 shows that the testator Vijay Kumar Mehra died on 13.03.2022. Ex.P.3 is the computer generated legal



O.P.No.46 of 2023

their certificate of the testator. Ex.P.3 shows that the petitioner and the respondent are the legal heirs of the testator. Ex.P.5 and Ex.P.6 have been filed to show the assets of the testator. Ex.P.7 is the affidavit of assets showing the net value of the estate as Rs.70,61,892/-. Ex.P.8 and Ex.P.9 are paper publications and none objected for the same.

4. One Virender Kumar Mehra, who is the first attesting witness in the Will, has been examined as P.W.2. In his evidence, P.W.2 has stated that the testator executed his last Will and Testament on 21.12.2021 in his presence and in the presence of Dr.Chandra Manickavel, who is the second attesting witness in the Will. At the request of the testator, the attesting witnesses have subscribed their signatures in the presence of the testator. He has further deposed that while executing the Will, the testator was in a sound and disposing state of mind and in her presence the attesting witnesses subscribed their signature in the Will. The affidavit of the attesting witness is marked as Ex.P.10. The evidence of P.W.1 and P.W.2 not only prove execution but also attestation of the Will and there is no



O.P.No.46 of 2023

other materials to suspect the Will.

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5. In view of the above facts, I am of the view that the petitioner has proved 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.

19.03.2024

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O.P.No.46 of 2023

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O.P. No.46 of 2023

19.03.2024