



O.P.No.908 of 2019

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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.

2. This petition has been filed for grant of Letters Administration in respect of the Will of one Krishnaswami Subramanian executed on 27.04.2017. The petitioner is the son of the testator and the respondents 1 to 3 are the daughters of the testator and sisters of the petitioner, the fourth petitioner is the daughter-in-law of the testator and sister-in-law of the petitioner and the fifth petitioner is the grandson of the testator and nephew of the petitioner. The testator Krishnaswami Subramanian died on 20.09.2018. The respondents have no objection for grant of Letters of Administration in favour of the petitioner. **The amount of assets which is likely to come to the hands of the petitioner does not exceed in the**



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aggregate sum of Rs.45,00,000/- and the net amount of the said assets after deducting all the items, which the petitioners are by law allowed to deduct is only of the value of Rs.45,00,000/-. 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 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 has been examined as P.W.1. P.W.1 in his evidence had narrated the averments made in the petition stating that the petitioner has filed this petition for grant of Letters of Administration in favour of in respect of the Last Will and Testament executed by the deceased Krishnaswami Subramanian on 27.04.2017. The Will executed by the deceased Krishnaswami Subramanian has been marked as Ex.P.1. Ex.P.2 is the computer generated death certificate of the deceased Krishnaswami



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Subramanian. Ex.P.3 has been filed to prove that the testator Krishnaswami Subramanian died on 20.09.2018. Ex.P.3 is the computer generated legal heir certificate of Mr.Krshnaswami Subramanin. Ex.P.3 has been filed to show that the petitioner and the respondents are the legal heirs of the testator. Ex.P.3 shows that the petitioner and the respondents are the legal heirs of the testator. Ex.P.10 is the affidavit of assets showing the net value of the estate as Rs.45,00,000/-. Ex.P.11 and Ex.P.12 are paper publications, but none have objected for the same.

4. One Thiyyagan, who is one of the attesting witness in the Will, was examined as P.W.2. In his evidence, he has stated that he has signed as the second attesting witness in the Will along with one Pendyala Maha Laxmi, who has signed as first attesting witness in the Will. He has further stated in his evidence that the testator was in sound state of mind while executing the Will and he has also seen the testator signing the Will and the other attesting witness signing in the document. He has also stated that the testator has seen the attesting witnesses subscribing their signature in the Will. The affidavit of the attesting witness is marked as Ex.P.13. The



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evidence of attesting witness 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.

05.01.2024

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