



O.P.No.535 of 2023

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WEB CO **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 Shri.C.V.Manoharan executed on 28.04.1989 bequeathing the schedule properties in favour of the petitioner and the respondents 1 and 2. The petitioner is the son, the first respondent is the grand daughter and the second respondent is the daughter of the deceased testator. The respondents 3 and 4 are the husband and son of the first daughter of the deceased. The deceased died on 03.09.1989. The wife and the first daughter of the testator died on 25.07.2021 and 24.02.2019 respectively. It is the case of the petitioner that the respondents have filed their consent affidavit for grant of Letters of Administration in favour of the petitioner. The amount of assets which is likely to come to the petitioner's hand do not exceed in the aggregate sum of Rs.63,50,000/- and the net



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amount of the said assets after deducting all the items, which the petitioner is by law to deduct is only of the value of Rs.63,50,000/-. 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 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 his favour in respect of the Last Will and Testament executed by the deceased C.V.Manoharan on 28.04.1989. He also stated that one of the attesting witnesses namely Mr.C.Veerasamy died on 18.11.2007 and the other witness Sri.S.Venkata Rao's whereabouts are not known. However, the son of one of the attesting witness Mr.C.Veerasamy has identified and confirmed



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the signature of his father. The Original Will executed by the deceased C.V.Manoharan has been marked as Ex.P.1. The deceased C.V.Manoharan has executed the Will on 28.04.1989. Ex.P.3 is the computer generated death certificate of C.V.Manoharan. Ex.P2 has been filed to prove that the deceased died on 03.09.1989. Ex.P4 is the original legal heirship certificate of C.V.Manoharan. Ex.P5 is the computer generated death certificate of Mrs.Jothi. Ex.P6 is the computer generated death certificate of Mrs.M.Saroja. Ex.P7 is the computer generated legal heirship certificate of Mrs.Jothi. Ex.P8 is the computer generated legal heirship certificate of Mrs.M.Saroja. Ex.P.10 is the affidavit of assets showing the net value of the estate as Rs.63,50,000/-. Exs.P.11 & P.12 are the paper publications, but none have objected for the same.

4. One of the attesting witnesses of the will had died and the other witness's whereabouts are not known. Hence, Mr.V.Sivakumar, the son of one of the attesting witness namely Mr.C.Veerassamy is examined as PW2. In his evidence, he has stated that the signature of the first attester in the will is that of his father Late Mr.C.Veerassamy. P.W.1. has stated the execution



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of the will dated 28.04.1989.

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5. Considering the nature of the evidences and consent affidavit filed by the respondents, this Court is of the view that the petitioner has proved 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.

24.01.2024

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