

**O.P. No.352 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.

2. This petition has been filed for grant of Letters Administration in respect of the Will of one A.Innashiyammal executed on 02.09.2010. The deceased A.Innashiyammal died on 04.02.2003. The deceased executed the Will on 02.09.2010 bequeathing the schedule mentioned properties in favour of the petitioner. The respondents are the surviving legal heirs of the deceased. The petitioners hereby undertake to duly administer the specified property and credits of the deceased in any way concerning her 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.

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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 she 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 Innashiyammal on 02.09.2010. Ex.P.1 is the original will dated 02.09.2010 executed by the deceased. Ex.P2 is the death certificate of the deceased. Ex.P3 is the computer generated legal heirship certificate of the deceased Innashiyammal. Ex.P.4 is the photocopy of the sale deed dated 02.09.2010 in favour of the deceased. Exs.P5 & P6 are paper publications, but none have objected for the same. Ex.P7 is the affidavit of assets showing the net value of the estate as Rs.70,00,000/-.

4. Mrs.Jaya Arockia Mary, who is one of the attesting witness in the Will, was examined as P.W.2. In her evidence, she has stated that the testatrix was in sound state of mind while executing the Will and she has also seen the testator signing the Will and the other attesting witness signing



in the document. She has also stated that the testatrix has seen the attesting witnesses subscribing their signature in the Will. The 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 her 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.

12.03.2024

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