



O.P.No.752 of 2023

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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 the Will dated 25.06.2001 registered as Document No.84 of 2001 in the office of the Sub-Registrar, Pursawalkam, which was executed by the husband of the 1st petitioner and the father of the 2nd, 3rd and 4th petitioners, K.Alavandar, who died on 29.12.2004. The 1st, 3rd and 4th petitioners had given their consent affidavit that Letters of Administration could be granted in favour of the 2nd petitioner.

2.After following due procedure, the petitioners were directed to tender evidence and accordingly, the 2nd petitioner examined himself as PW-1. He marked the original Will dated 25.06.2001 as Ex.P1. The death certificate and the legal heirship certificate of his father were marked as Exs.P2 and P3. The affidavit of assets was marked as Ex.P9.



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3.The petitioner also examined Mr.J.Mohanraj, PW-2, the first attesting witness, who identified his signature in Ex.P1, Will. He also identified the signature and left thumb impression of K.Alavandar and affirmed that it was affixed in his presence and in the presence of the second attesting witness and affirmed that they also signed the Will in the presence of the executor. He also identified the Will Ex.P1. He also stated that the executor was in a sound state of mind at the time of executing the Will.

4.In view of the evidence produced, I hold there is every ground to grant the relief sought in the Original Petition namely, granting Letters of Administration with Will annexed to the 2nd petitioner.

5.With the above observations, this Original Petition stands allowed. The 2nd petitioner is directed to duly administer the properties and credits of the deceased more fully described in the schedule. The 2nd 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 2nd petitioner is further directed to render true and correct accounts once in a year.

11.06.2024

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