



O.P.No.243 of 2017

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WEB COPY **A.A.NAKKIRAN, J.**

This Petition has been filed under Sections 232 and 276 of the Indian Succession Act and 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 K.Jaiprabhu executed on 19.12.2014. The petitioner is the only beneficiary under the Will. The petitioner is the father of the testator. The first and second respondents are wife and son, and the third, fourth and fifth respondents are mother and brothers respectively of the testator. The testator K.Jaiprabhu died on 20.03.2016. The properties bequeathed under the Will were originally purchased by the petitioner out of his own funds in the name of the deceased Jaiprabhu and were in possession and control of the same by effecting mutation of records without any hindrance from any corner. Though the deceased testator Jaiprabhu was married with the 1st respondent and male child by name J.Praful Jeei, the 2nd respondent herein, was born, he was living estranged from his wife and



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child, due to incompatibility. The other respective legal heirs, namely respondents 4 and 5, who are brothers of the deceased testator 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 petitioners does not exceed in the aggregate sum of Rs.10,00,000/- and the net amount of the said assets after deducting all the items, which the petitioner is by law allowed to deduct is only of the value of Rs.10,00,000/-. 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 exhibit 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 his favour in



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respect of the Last Will and Testament executed by the deceased K.Jaiprabhu on 19.12.2014. The Will executed by the deceased K.Jaiprabhu has been marked as Ex.P.3. Ex.P.1 is the photocopy of the sale deed dated 28.06.1989 executed in favour of the deceased testator. Ex.P.2 is the photocopy of the sale deed dated 19.08.1992 executed in favour of the deceased testator. Ex.P.4 is the computer generated death certificate of the testator K.Jai Prabhu died on 20.03.2016. Ex.P.5 is the computer generated legal heir certificate of K.Jai Prabhu. Ex.P.5 has been filed to show that the respondents are the legal heirs of the testator. Ex.P.6 is the affidavit of assets showing the net value of the estate as Rs.10,00,000/-. Ex.P.7 and Ex.P.8 are paper publications, but none have objected for the same.

4. One K.Mala, one of the attesting witness in the Will, was examined as P.W.2. In her evidence, she has stated that she has signed as the first attesting witness in the Will along with one S.Raji, who has signed as second attesting witness in the Will. She has further stated in her 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



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witness signing in the document. She has also stated that the testator 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 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 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.

01.02.2024

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