O.P. No.639 of 2023

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 second petitioner.

2. This petition has been filed for grant of Letters Administration in respect of the Will of one V.Narasimhan executed on 12.10.2017. The testator and his wife Komalavalli had no children. The first petitioner is the brother of the testator and the second petitioner is the son of the first petitioner. The petitioners are beneficiaries under the Will. The testator V.Narasimhan died on 30.07.2018. The wife of the petitioner Komalavalli also died on 25.06.2019. The amount of assets which is likely to come to the hands of the petitioners does not exceed in the aggregate sum of Rs.84,00,000/- 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.83,75,000/-. The second 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 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 first 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 petitioners have filed this petition for grant of Letters of Administration in favour of the second petitioner in respect of the Last Will and Testament executed by the deceased V.Narasimhan on 12.10.2017. The Will executed by the deceased V.Narasimhan has been marked as Ex.P.1. Ex.P.2 is the computer generated death certificate of the deceased V.Narasimhan. Ex.P.2 has been filed to prove that the testator V.Narasimhan died on 30.07.2018.

Ex.P.3 is the computer generated death certificate of the testator. Ex.P.3 shows that the wife of the testator died on 25.06.2019. Ex.P.4 is a copy of the sale deed in favour of the testator. Ex.P.5 is the affidavit of assets showing the net value of the estate as Rs.83,75,000/-. Ex.P.6 and Ex.P.7 are paper publications, but none have objected for the same.

4. One Sundaresan, one of the attesting witness in the Will, was examined as P.W.2. In his evidence, P.W.2 has stated that he has signed as the first attesting witness in the Will along with one T.M.Ramamurthy, who has signed as second 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.11. 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 petitioners have proved execution and attestation of the Will. Hence, the petitioners are entitled for the issuance of Letters of Administration in favour of the second petitioner.

6. Accordingly, this petition is allowed. Issue Letters of Administration in favour of the petitioners. The petitioners are directed to duly administer the properties and credits of the deceased more fully described in the schedule. The petitioners are 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 petitioners are further directed to render true and correct accounts once in a year.

18.01.2024

vrc

N.SATHISH KUMAR, J.

vrc

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