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O.P. No.817 of 2022

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 V.Maheswari executed on 01.09.2021. The petitioner is the grandson of the deceased V.Maheswari. The first respondent is the son in law of the deceased. The respondents 2 to 4 are the grandchildren of the deceased and the fifth respondent is the younger daughter of the deceased and the mother of the petitioner. The deceased V.Maheswari died on 21.04.2022. The deceased executed the Will on 01.09.2021 bequeathing the schedule properties in favour of the petitioner. The respondents have given consent for grant of Letters of Administration in favour of the petitioner. The petitioner 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.

3. The power agent of the petitioner was examined as P.W.1. P.W.1 in his evidence had narrated the averments made in the petition stating that he 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 V.Maheshwari on 01.09.2021. Ex.P.2 is the original will dated 01.09.2021 executed by the deceased. Ex.P3 is the computer generated death certificate of Mrs.Gajalakshmi/daughter of the deceased. Ex.P4 is the computer generated death certificate of deceased. Ex.P5 is the computer generated legal heir certificate of the Gajalakshmi. Ex.P6 is the computer generated legal heir certificate of the deceased. Ex.P9 is the affidavit of assets showing the net value of the estate as Rs.17,99,000/-. Ex.P.10 & Ex.P.11 are paper publications, but none have objected for the same. The respondents



have filed their consent affidavits for grant of letters of Administration in favour of the petitioner.

4. One J.S.Rajan, who is one of the attesting witness in the Will, was examined as P.W.2,. In his evidence, he has stated that the testatrix was in sound state of mind while executing the Will and he has also seen the testatrix signing the Will and the other attesting witness signing in the document. He 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 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.

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