



O.P.No.165 of 2021

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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 in respect of the Will of one Saroja in favour of the petitioner.

2. This petition has been filed for grant of Letters Administration in respect of the Will of one Saroja executed on 11.04.1997. The testatrix executed the Will while she was in sound state of mind. The petitioners are the great grand children of the testatrix. The second respondent is the daughter of the testatrix. The first respondent is the grand son of the testatrix. The husband of the testatrix predeceased her. The testatrix had bequeathed the properties on her great grand children, viz., the petitioners herein born through her grand son, the first respondent herein and reserved life interest in favour of the first respondent. The petitioners are the beneficiaries under the Will. The testatrix Saroja died on 24.12.1999. The amount of assets which is likely to come to the hands of the petitioner does not exceed in the aggregate sum of



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Rs.20,00,000/- 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.20,00,000/-. 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 first petitioner has been examined as P.W.1. P.W.1 in her 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 petitioners in respect of the Last Will and Testament executed by the deceased Saroja on 11.04.1997. The certified copy of the Will executed by the deceased Saroja has been marked as Ex.P.10. The petitioner also explained for non production of the original Will and this Court has permitted the



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petitioner to file the certified copy of the original Will taking note of the fact that the original Will has been lost in 2015 flood. Ex.P.1 is the death certificate of the testatrix Saroja. Ex.P.2 has been filed to prove that the testatrix Saroja died on 24.12.1999. Ex.P.3 is the consent affidavit filed by the first respondent for issuance of Letters of Administration in favour of the petitioners. Ex.P.5 is a copy of property tax receipt has been filed to show that the property stands in the name of the testatrix. Ex.P.6 is the affidavit of assets showing the net value of the assets as Rs.20,00,000/-. Ex.P.7 and Ex.P.8 are Paper publications have been effected but none objected for the same.

4. One L.Narayanasamy, who is one of the attesting witness in the Will, was examined as P.W.2. In his evidence, he has stated that he has signed as the second attesting witness in the Will along with one V.Shanmuganathan. He has further stated in his evidence 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 affidavit of the attesting witness is marked as



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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 the execution and attestation of the Will. Hence, the petitioners are entitled for the issuance of Letters of Administration in their favour.

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.

09.01.2024

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