

**O.P.No.407 of 2014****R.SUBBIAH, J**

This petition has been filed under Sections 222 and 276 of the Indian Succession Act, 1925 read with Order XXV, Rule 4 of O.S. Rules, for the grant of Probate in respect of the last Will and Testament of one deceased V.G.Vasan.

2.In the petition, it is stated that the deceased V.G.Vasan died on 25.12.2012 at Apollo Hospital, No.646, T.H.Road, Tondiarpet, Chennai – 81. The deceased was ordinarily residing at No.68, Old No.55, West Madha Church Road, Royapuram, Chennai – 13. The deceased married V.Chermathai and she predeceased him and they had no issues. The deceased had three brothers. The parents as well as two brothers viz., V.G.Natarajan and V.G.Sanjeevirajan predeceased him. The other brother V.G.Paulrajan died on 19.08.2013. The petitioner is the son of V.G.Natarajan, brother of the deceased. The respondents 1, 2 are the daughters and the third respondent is the son of V.G.Natarajan. The fourth respondent is the wife of V.G.Sanjeevi Rajan, brother of the deceased. The respondents 5, 6, 7 and 8 are the wife, son, daughter and daughter of V.G.Paulrajan, brother of the deceased. The deceased V.G.Vasan

executed his last Will and Testament on 02.11.2012 and the immovable properties are intended to be bequeathed to the sons and daughter of V.G.Natarajan in equal shares when sold and in the rent, the petitioner is entitled to two shares and others are entitled to one share. The petitioner is appointed as executor in the said Will. The amount of assets which is likely to come into the petitioner's hands does not exceed in the aggregate sum of Rs.1,45,00,000/- and the net amount of the assets, after deducting all items which the petitioner is by law allowed to deduct is of the value of Rs.1,45,00,000/-. The petitioner has impleaded all the next of kin of the deceased and other persons interested as respondents. There are no other relatives or legal heirs of the deceased except the respondents and all the respondents have filed their consent affidavits. The petitioner undertakes to duly administer the property and credits of the deceased V.G.Vasan and in any way concerning the Will by paying first his debts and then the legacies therein bequeathed so far as the assets will extend and to make a full and true inventory thereof to the Court within six months from the date of grant of probate to the petitioners. No application has been filed in any other Court for the probate of the Will of the said deceased or Letters of Administration with or without the Will annexed to his property. Hence, the petition.

3.The petitioner was examined as P.W.1 and he had narrated the averments made in the petition stating that he has filed this petition for the grant of probate in his favour in respect of the Last Will and Testament executed by the testator on 02.11.2012. Ex.P1 is the computer generated copy of the death certificate of the Testator's wife V.Pappammal @ Chermathai, who died on 28.03.2009. Ex.P2 is the computer generated copy of the death certificate of the Testator V.G.Vasan, who died on 25.12.2012. Ex.P3 is the original unregistered Will and Testament dated 02.11.2012 executed by the Testator. Ex.P4 is the computer generated copy of the death certificate of the Testator's brother V.G.Paulrajan, who died on 19.08.2013. Ex.P5 series are the photocopies of Canara Bank fixed deposits receipts in respect of the Testator. Ex.P6 is the photocopy of the Canara Bank passbook bearing account No.1374101004390 in respect of the Testator. Ex.P7 series are the photocopies of the share certificates of the Tower Rolling Mill Limited in respect of the Testator. Ex.P8 is the photocopy of name transfer in respect of Testator's wife V.Chermathai dated 06.08.2009. Ex.P9 is the affidavit of the assets showing the net value of the property for Rs.1,45,00,000/-. Ex.P10 is the consent affidavit given by the first respondent stating that she has no objection in grant of probate in favour of the petitioner. Ex.P11 is the

consent affidavit given by the second respondent stating that she has no objection in grant of probate in favour of the petitioner. Ex.P12 is the consent affidavit given by the third respondent stating that he has no objection in grant of probate in favour of the petitioner. Ex.P13 is the consent affidavit given by the fourth respondent stating that she has no objection in grant of probate in favour of the petitioner. Ex.P14 is the consent affidavit given by the fifth respondent stating that she has no objection in grant of probate in favour of the petitioner. Ex.P15 is the consent affidavit given by the sixth respondent stating that he has no objection in grant of probate in favour of the petitioner. Ex.P16 is the consent affidavit given by the seventh respondent stating that she has no objection in grant of probate in favour of the petitioner. Ex.P17 is the consent affidavit given by the eighth respondent stating that she has no objection in grant of probate in favour of the petitioner.

4. One of the attestors of the Will dated 02.11.2012 viz., I.Selvamohan was examined as P.W.2. In his evidence, P.W.2 has stated that the testator executed his last Will and Testament on 02.11.2012 in his presence and in the presence of one N.M.Easwaran. At his request, P.W.2 subscribed his signature as second attesting witness along with N.M.Easwaran, who attested the Will as the first

attesting witness in the presence of the testator. While executing the Will, the testator was in a sound and disposing state of mind, memory and in good health. Ex.P18 is his affidavit in this regard.

5.From the averments made in the petition and the deposition of P.W.1 supported by documents Ex.P1 to P17, it is clear that the petitioner has proved his claim and there is no contra evidence. Hence, I am satisfied that the petitioner is entitled to the relief sought for.

6.The Original Petition is ordered. Grant probate of the Will in respect of the petitioner.

**25.03.2015**

mmi

**R.SUBBIAH, J**

**O.P.No.407 of 2014**

**25.03.2015**