

Original Petition No.141 of 2013**R.SUBBIAH, J.,**

The Original Petition has been filed by the petitioner under sections 222 and 276 of the Indian Succession Act, to grant probate.

2.The case of the petitioner, in brief, is as follows_

(i)The petitioner is the daughter-in-law of the deceased Mrs.Lakshmi Sundaram, who died at Madras on 16.12.2001 at her ordinary residence at Old No.9A, New No.19-A, Forth Main Road, Nehru Nagar, Adyar, Chennai. The respondents 1 & 2 are the daughters of the said deceased Mrs.Lakshmi Sundaram. The 3rd respondent is the son-in-law and the respondents 4 & 5 are the grandsons of the deceased Mrs.Lakshmi Sundaram. The testatrix's parents, husband and son predeceased her and she lived in the above said address till her death. The third daughter of the deceased Mrs.Lakshmi Sundaram viz., Smt.Shyamala died and her legal heirs were arrayed as the respondents 3 to 5.

(ii)The said Mrs.Lakshmi Sundaram, while she was in sound mind and health, had executed a Will dated 24.04.1994 in respect of her movable and immovable properties, in the presence of

witnesses. The petitioner herein was appointed as an Executrix under the said Will and she is one of the beneficiaries of the said Will. The deceased Testatrix had inherited one fourth share of the property mentioned in the said Will, which is situated at Madras City. As per the said will, the petitioner is entitled for the shares, fixed deposits, current account and saving accounts of the deceased Mrs.Lakshmi Sundaram. The amount of assets, which are likely to come into the hands of the petitioner, does not exceed a sum of Rs.17 lakhs and the net value of the said assets, after deducting all the items which the petitioner is by law allowed to deduct, is Rs.16,90,000/-. The respondents have filed their consent affidavits for the grant of probate in favour of the petitioner. There is no next of kin or other person interested to be impleaded in the petition for grant of probate. The petitioner undertakes to duly administer the property and credits of the deceased in any way concerned in the Will by paying first her debts. She would make a full and true inventory to the Court within six months from the date of grant of probate. No application has been made to any Court for the probate of any Will of the deceased or letters of administration with or without the Will annexed of her property and credits.

3.The petitioner, who examined herself as P.W.1, reiterated the averments in the petition and filed the following documents as Exs.P-1 to P-5;

Ex.P.1	Photo copy of the Death Certificate of the deceased Mrs.Lakshmi Sundaram, who died on 16.12.2011 ;
Ex.P.2	Original unregistered Will dated 24.04.1994 executed by the deceased Mrs.Lakshmi Sundaram, which was attested by two attesting witnesses viz., R.S.Rajaram and O.S.Ramasamy;
Ex.P.3	Photocopy of the death certificate of the petitioner's husband S.Natarajan, who died on 13.10.1993;
Ex.P.4	Consent affidavit given by the 1 st respondent
Ex.P.5	Consent affidavit given by the 2 nd respondent
Ex.P.6	Consent affidavit given by the 3 rd respondent
Ex.P.7	Consent affidavit given by the 4 th respondent
Ex.P.8	Consent affidavit given by the 5 th respondent
Ex.P.9	Affidavit of assets showing the net value of the property as Rs.16,90,000/-;
Ex.P.10	Copy of the paper publication effected in one issued of Tamil Daily 'Makkal Kural' dated 04.09.2013
Ex.P.11	Copy of the paper publication effected in one issue of English Daily 'Trinity Mirro' dated 11.09.2013

4.One of the attestors to the Will viz., O.S.Ramaswamy was examined as P.W.2. In his evidence, P.W.2 has stated that the testatrix executed her last Will and Testament in his presence and in the presence of one Mr.R.S.Rajaraman and he subscribed his signature as the second attesting witness along with the said Mr.R.S.Rajaraman, who attested the Will as the first attesting witness. P.W.2 has further

deposed that the testatrix was in a sound and disposing stage of mind, memory and in good health at the time of execution of Ex.P.2-Will. Ex.P.12 is his affidavit in this regard.

5. Considering the averments contained in the petition and the materials on record, I am satisfied that the petitioner is entitled to the relief sought for.

The original petition is ordered. Grant probate of the Will in favour of the petitioner.

23.03.2015

vj2/ssv

R.SUBBIAH, J.,

SSV

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