

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 4th DAY OF APRIL 2016

THE HON'BLE MR. JUSTICE K.K.SASIDHARAN

O.P. No.174 of 2015

In the matter of Indian
Succession Act 39/1925;
and

In the matter of Last Will
of and Testament of
N.Ramachandra Rao
(Deceased)

B.Meenakshi Bai
W/o.Late Babu Rao

..Petitioner

-Vs-

B.Venugopal
S/o.Late Babu Rao

..Respondent

Original petition praying that this Hon'ble Court
be pleased to she may be allowed to prove this will dated
20.10.2012 executed by N.Ramachandra Rao (Deceased) in
common form and that probate thereof to have effect
limited to the state of Tamil Nadu may be grant to the
Petitioner.

This Original petition coming on this day before
this court for hearing court made the following order:

This is an original petition filed under
Sections 222 and 276 of the Indian Succession Act

seeking Probate in respect of the last Will and Testament of Thiru.N.Ramachandra Rao, who died on 09.03.2013 at Mysore.

2. The Will dated 20.10.2012 executed by Thiru.N.Ramachandra Rao contained certain stipulation with regard to the property purchased by him at Chennai. The petitioner has been named as the Executor. The respondent is the sole beneficiary under the Will.

3. The respondent is related to the Testator. The respondent is the son of the brother-in-law of the Testator. The property shown in "A" Schedule in the Will and the movables shown in "B" Schedule are bequeathed to the respondent. The petitioner, therefore, seeks probate.

4. The petitioner was examined as P.W.1. The following documents were marked through her:-

Exhibi ts	Documents
Ex.P1	Original death certificate of Thiru.N.Ramachandra Rao, who died on 09.03.2013

Exhibits	Documents
Ex.P2	Original registered Will dated 20.10.2012 executed by Thiru.N.Ramachandra Rao, which was registered as Document No.236/12-13 on the file of SRO, Mysore.
Ex.P3	Original death certificate Tmt.R.Manjula, who died on 13.09.2012
Ex.P4	Statement of Accounts as on 31.03.2013 in respect of mutual funds held by R.Manjula
Ex.P5	Affidavit of Assets showing the net value of the property as Rs.1,14,08,680.92
Ex.P6	Consent affidavit given by the respondent stating that he has no objection in granting probate respect of the Will Ex.P2

5. P.W.2 was examined to prove the attestation of the Will. P.W.3 was also examined to prove the Will. The attesting witnesses have confirmed that the Testator executed his last Will and Testament in a sound and disposing state of mind and the Will was attested by them at the same time. The affidavits of P.W.2 and P.W.3 were marked as Ex.P7 and P8 respectively.

6. The respondent has given consent as per Ex.P6.

7. In view of the evidence on record, I am

satisfied that the petitioner is entitled to the grant of Probate. Issue Probate.

In the upshot, I allow the Original Petition.

sd/.K.K.S.J

04.04.2016

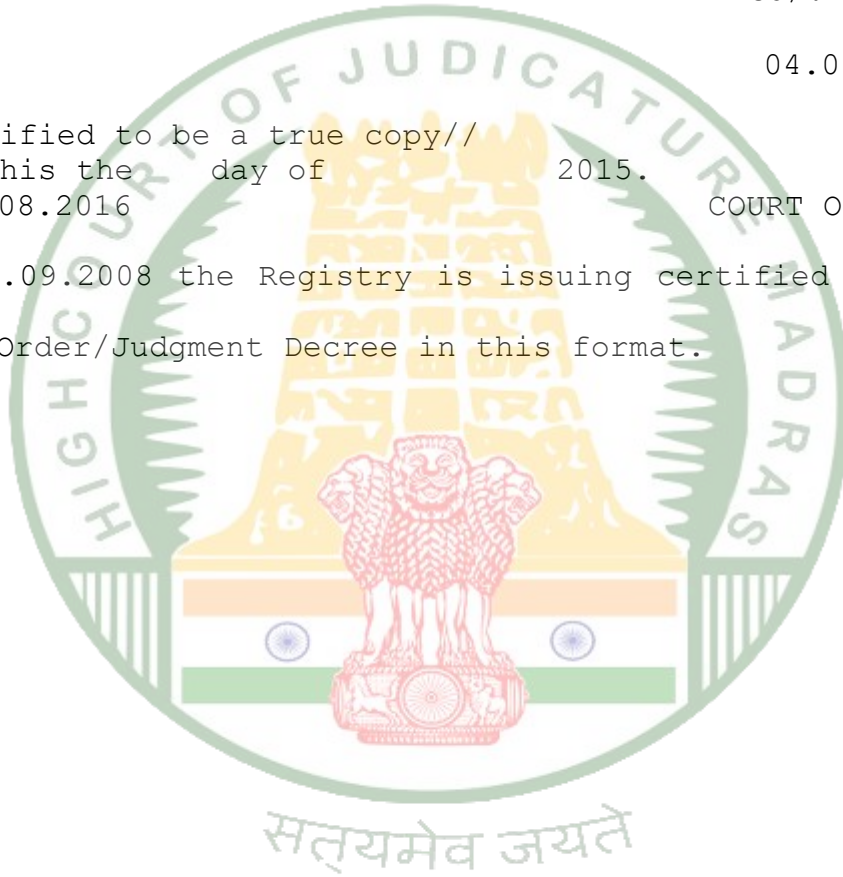
//Certified to be a true copy//

Dated this the day of 2015.

s.s/08.08.2016

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.



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