OP.No.338/2015

M.M.SUNDRESH, J.,

The petitioner, being the Executor of a Registered Will, executed by the petitioner Josyula Gopalakrishna Murthy on 23.11.2000. The deceased, thereafter died on 07.04.2012. The 1st respondent is the wife of the deceased ; 2nd respondent – daughter ; respondents 3 and 4 – sons and the respondents 5 and 6 are the children of the pre-deceased son of the deceased. Seeking Probate of the Will of the Testator, the present petition has been filed.

2 Before the learned Master, the petitioner has marked the following documents:-

Ex.P.1	-	Computer generated Death Certificate of the Testator J.G.K.Murthy, who died on 07.04.2012.
Ex.P.2	-	Certified copy of the Will executed by the deceased Josyula Gopalakrishna Murthy on 23.11.2000 registered as Doc.No.97/2013 at SRO, South Chennai.
Ex.P.3	-	Computer generated copy of the Death Certificate of Sundar Rao [predeceased S/o.the testator herein Josyula Gopalakrishna Murthy] who died on 01.04.1987.

3 P.W.2 is the family friend and the attesting witness of

Ex.P.2. He has deposed as follows:-

> *"The Testator Josyula Gopalakrishna Murthy executed his last Will and Testament on 23.11.2000 in my presence and in the presence of Mr.M.Veerabhadhra Rao. At his request, I subscribed my signature as the second attesting witness along with Mr.M.Veerabhadhra Rao who attested the Will as the first attesting witness in the presence of the Testator Josyula Gopalakrishna Murthy. We saw the Testator Josyula Gopalakrishna Murthy signing in the Will. The Testator Josyula Gopalakrishna Murthy was in a sound and disposing state of mind, memory and understanding at the time of execution of Ex.P.2-Will. Ex.P.8 is my affidavit in this regard."*

4 The respondents have filed affidavits in tune with the case as projected by the petitioner. The same is also reiterated by the learned counsel for the respondents.

5 Considering the above, especially, the deposition of P.W.2, this Court is of the view that Ex.P.2 has been duly approved. Accordingly, the petition is ordered.

01.12.2016

AP

M.M.SUNDRESH, J.,

AP

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