

O.P.No.510 of 2015**M.M.SUNDRESH, 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 the deceased Janaki.

2.Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

3.In the petition, it is stated that the deceased Janaki died on 30.09.2014 at No.157, Lakshmanan Street, M.G.R. Nagar, Chennai – 78 and she was ordinarily residing at the said address. The deceased executed her last Will and Testament dated 25.11.2009 and the same was registered as Doc.No.49 of 2009 on the file of the SRO, Ashok Nagar and the petitioner has been appointed as an executrix in the Will. The petitioner is the grand daughter of the deceased and the respondent is the daughter of the deceased. The deceased left behind the schedule mentioned property, which was settled to her by her husband vide settlement deed dated 28.10.2009. The petitioner and

the respondent are the beneficiaries of the Will. The amount of assets which is likely to come to the petitioner's and the respondent's hands does not exceed in the aggregate sum of Rs.42,00,000/- and the net amount of the said assets after deducting all the items, which the petitioner and the respondent are by law allowed to deduct is only of the value of Rs.41,95,000/-. The petitioner has impleaded all the next of kin of the deceased and other persons interested as respondents and there is no next kin or other persons interested to be impleaded. The petitioner undertakes to duly administer the property and credits of the deceased Janaki and in any way concerning the Will by paying first her 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 petitioner and also to render to this Court a true account of the said property and credits within one year from the said date. 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 her property.

4.The petitioner examined herself as P.W.1 and she had narrated the averments made in the petition stating that the petitioner has filed this petition for the grant of probate in her favour

in respect of the Last Will and Testament executed by the testatrix on 25.11.2009. The petitioner marked the following documents viz., Exs.P1 to P9:

Ex.P1 is the computer generated copy of the death certificate of the petitioner's maternal grandmother N.Janaki, who died on 30.09.2014.

Ex.P2 is the original registered Will and Testament dated 25.11.2009 executed by the petitioner's grandmother Janaki, which was registered as Document No.49/2009 before the SRO, Ashok Nagar.

Ex.P3 is the photocopy of the registered sale deed dated 10.09.2009 in favour of the petitioner's grandmother, which was registered as Doc.No.2000 of 2009 before the SRO, Ashok Nagar.

Ex.P4 is the photocopy of the registered settlement deed dated 28.10.2009 in favour of the petitioner's deceased grandmother Janaki, which was registered as Doc.No.2299 of 2009 before the SRO, Ashok Nagar.

Ex.P5 is the photocopy of the encumbrance certificate dated 07.01.2014.

Ex.P6 is the photocopy of the petitioner's Aadhar Card bearing No.5024 6998 3980.

Ex.P7 is the affidavit of assets showing the net value of the estate of Rs.41,95,000/-.

Ex.P8 is a copy of paper publication effected in one issue of Tamil Daily Makkal Kural dated 03.08.2016.

Ex.P9 is a copy of paper publication effected in one issue of English Daily Trinity Mirror dated 13.08.2016.

4.One of the attestors of the Will dated 25.11.2009 viz., A.Ponrathy was examined as P.W.2. In her evidence, P.W.2 has stated that the testatrix executed her last Will and Testament on 25.11.2009 in her presence and in the presence of one C.Rajappan. At the request of the testatrix, P.W.2 subscribed her signature as the second attesting witness along with C.Rajappan, who attested the Will as the first attesting witnesses in the presence of the testatrix. While executing the Will, the testatrix was in a sound and disposing state of mind and memory. P.W.2 was also one of the identifying witnesses at the time of registration of the Will. Ex.P10 is her affidavit in this regard.

5.The respondent was examined as R.W.1. In her evidence, she has stated that she has no objection in granting probate in favour of

her sister's daughter viz., the petitioner. Ex.R1 is the consent affidavits filed by her.

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

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

17.11.2016

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