

O.P.No.148 of 2016**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 T.K.Venkatesan.

2.In the petition, it is stated that the deceased T.K.Venkatesan died on 04.11.2003 at No.19, Narasimhan Street, West Mambalam, Chennai - 33. The deceased was ordinarily residing at the said address. The deceased executed his last Will and Testament dated 19.05.2003 and the same was registered as Doc.No.14 of 2003 on the file of the SRO, Thousand Lights on the same date. The petitioner is the son-in-law of the deceased. The first respondent is the wife of the deceased, respondents 2, 3 and 5 are the daughters of the deceased and respondents 4 and 6 are the sons of the deceased. The parents of the deceased predeceased him. The petitioner is the executor named in the Will. The deceased bequeathed his immovable property at Flat No.C, Thazhamboo Apartments, No.19, Narasimhan Street, West Mambalam, Chennai - 33 to the first respondent/wife of the deceased.

The amount of assets which is likely to come to the petitioner's hands does not exceed in the aggregate sum of Rs.55,00,000/- and the net amount of the said assets after deducting all the items, which the petitioner is by law allowed to deduct is only of the value of Rs.55,00,000/-. 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 T.K.Venkatesan 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 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 his property.

3.The petitioner examined himself as P.W.1 and he had narrated the averments made in the petition stating that the petitioner 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 19.05.2003. The petitioner marked the documents viz., Exs.P1 to P4. Ex.P1 is the original death certificate of the petitioner's father-in-law T.K.Venkatesan, who died on 04.11.2003. Ex.P2 is the original Will executed by the petitioner's father-in-law T.K.Venkatesan on 19.05.2003 registered as Doc.No.14 of 2003 at SRO, Thousand Lights. Ex.P3 is the photocopy of legal heirship certificate dated 14.07.2016 in respect of the petitioner's father-in-law T.K.Venkatesan. Ex.P4 is the affidavit of assets showing the net value of the estate as Rs.55,00,000/-.

4.One of the attestors of the Will dated 19.05.2003 viz., K.P.Venkatachalam was examined as P.W.2. In his evidence, P.W.2 has stated that the testator executed his last Will and Testament on 19.05.2003 in his presence and in the presence of one D.Udayakumar. At the request of the testator, P.W.2 subscribed his signature as the first attesting witness along with D.Udayakumar, who attested the Will as the second 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 understanding. P.W.2 was also one of the identifying witnesses at the time of registration of the Will, registered

as Doc.No.14 of 2003 before SRO, Thousand Lights. Ex.P5 is his affidavit in this regard.

5. Though consent affidavits are stated to have been given by the respondents, they have not been marked as the respondents have not chosen to depose before the Master. Suffice it to state that there does not appears to be any objection from the respondents and perhaps that is the reason why they have not chosen to appear before the Court, despite service of notice.

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 his 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.

02.11.2016

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