

IN THE HIGH COURT OF JUDICATURE AT MADRAS
 (ORDINARY ORIGINAL JURISDICTION)
 WEDNESDAY, THE 22nd DAY OF FEBRUARY 2017
 THE HON'BLE MR. JUSTICE K.KALYANASUNDARAM
 O.P.No.504 of 2016

In the matter of Indian
 Succession Act XXXIX of 1925

and

In the matter of the last and
 Testament of I.Srinivas -
 Deceased

Mrs.Sharmila I,
 W/o Late I.Srinivas,
 G-9, Block No.7, Vijaya Shanthi Apartments,
 No.38, Perumal Kovil Street,
 Kottur,
 Chennai 600 085 ... Petitioner

Vs.

1.Mrs.I.V.Prabhavathy
 W/o Satayanarayana Rao,
 Flat No.101, KLN Enclave 8-3-898/30,
 Nagarjuna Nagar,
 Yellareddy Guda,
 Khairatabad, Hyderabad,
 Telangana 500 073

2.Ms.Neeharika I,
 D/o Late I.Srinivas,
 G-9, Block No.7, Vijaya Shanthi Apartments,
 No.38, Perumal Kovil Street,
 Kottur,
 Chennai 600 085 ... Respondents

Original Petition praying that this Hon'ble Court be
 pleased to prove the Will dated 28th May 2015 of
 Mr.I.Srinivas in common form, and that Probate thereof, to
 have effect throughout the whole of Union of India may be
 granted to petitioner.

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

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 Mr.I.Srinivas.

2. In the petition, it is stated that the deceased Mr.I.Srinivas died on 09.08.2015 at Cancer Hospital and was ordinarily residing at G-9, Block No.7, Vijaya Shanthi Apartments, No.38, Perumal Kovi Street, Kottur, Chennai - 600 085. The petitioner is the wife of the deceased and the respondents are the mother and daughter of the deceased. The deceased executed his last Will and Testament on 28.05.2015 in the presence of witnesses. The petitioner is the executor named in the will dated 28.05.2015 appointed by the deceased Mr.I.Srinivas and the respondents are the beneficiaries under the said Will. The amount of assets which is likely to come to the petitioner's hands does not exceed in the aggregate sum of Rs.23,78,000/- 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.23,68,000/-.

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 Mr.I.Srinivas 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 herself as P.W.1 and she has narrated the averments made in the petition stating that she has filed this petition for the grant of probate in her favour in respect of the Last Will and Testament executed by the testator on 28.05.2015. The petitioner marked the documents viz., Exs.P1 to P7. Ex.P1 is the unregistered Will dated 28.05.2015 executed by the deceased Mr.I.Srinivas. Ex.P2 is the computer generated copy of the death certificate of the deceased I.Srinivas, who died on 09.08.2015. Ex.P3 is the original legal heir ship certificate dated 16.02.2016 in respect of the deceased I.Srinivas. Ex.P4 is the consent affidavit given by the

1st respondent. Ex.P5 is the consent affidavit given by the 2nd respondent. Ex.P6 is the valuation of estate showing the net value of the assets as Rs.23,68,000/-. Ex.P7 (series 2 Nos.) are the copies of the paper publications effected in one issue of English Daily "Trinity Mirror" dated 01.12.2016 and in one issue of Tamil Daily "Makkal Kural" dated 08.12.2016.

4. One of the attestors of the Will dated 28.05.2015 viz., Mr.M.Venkatesan was examined as P.W.2. In his evidence, he has stated that the testator executed his last Will and Testament on 28.05.2015 in his presence and in the presence of Mr.S.Thiruvassagam. At the request of the testator, P.W.2 subscribed his signature as the first attesting witness along Mr.S.Thiruvassagam 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. Ex.P8 is his affidavit in this regard.

5. Both the respondents have filed their consent affidavits. In the affidavits, they have stated that they have no objection in granting probate in favour of the petitioner.

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.

Sd/.M.K.K.S.J

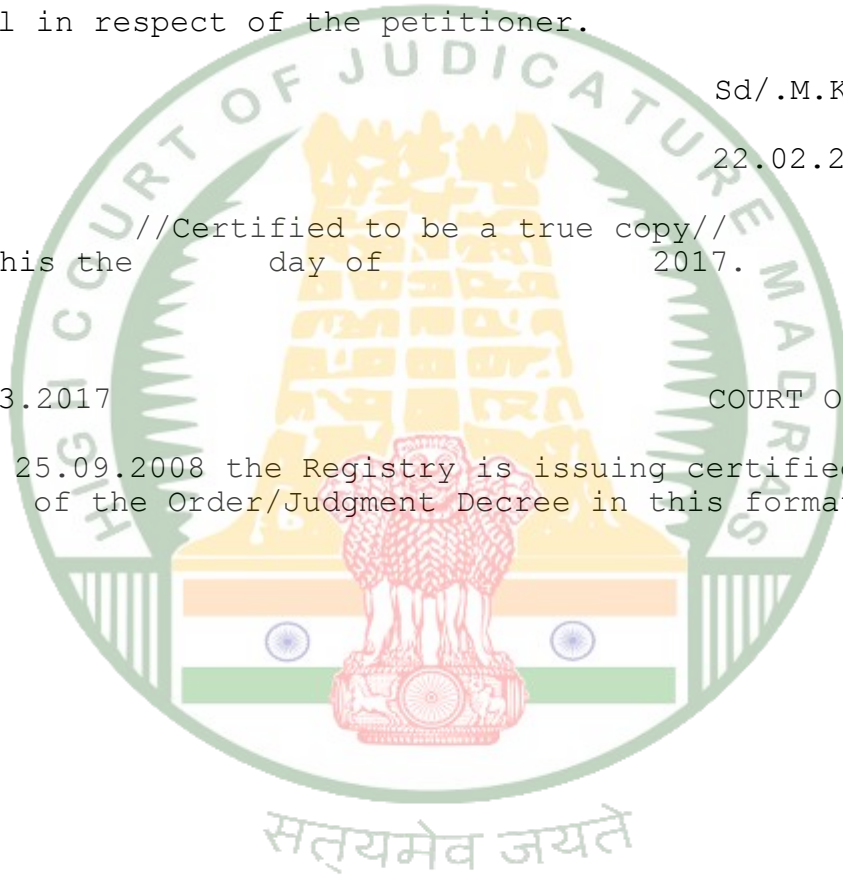
22.02.2017

//Certified to be a true copy//
Dated this the day of 2017.

gm/06.03.2017

COURT OFFICER

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



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