

O.P.No.163 of 2018**K.KALYANASUNDARAM, J.**

This petition has been filed under Sections 222 and 276 of the Indian Succession Act, 1925 under Order XXV, Rule 4 of O.S. Rules, for the grant of Probate in respect of the last Will and Testament of the deceased P.H. Ramaswamy.

2. Heard Mr.V.G.Suresh Kumar, learned counsel for the petitioner and Mr.. Srinivasa Mohan, learned counsel for the respondents.

3. In the petition, it is stated that the petitioner's father-in-law P.H.Ramaswamy, died on 15.06.2014 at his ordinary residence at Chennai. The first respondent is the wife of the deceased. The second, third and fourth respondents are daughters of the deceased.

4. It is the further case of petitioners that the deceased executed a Will on 18.03.2010, and the same was duly registered in the office of the Sub Registrar of Virugambakkam, bearing document No.40 of 2010 in Book - III. Under the said Will, he has appointed the petitioner as the Executor. The amount of assets which is likely to come to the petitioner hands does not exceed in the aggregate sum of Rs.1,41,17,500/- and the net amount of the said assets, after deducting all the items, which the

petitioners are by law allowed to deduct is only of the value of Rs.1,41,17,500/-. The petitioner undertakes to duly administer the property and credits of the deceased P.H. Ramaswamy and in any way concerning his 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 and exhibit the same to the Court within six months from the date of grant of Probate to the petitioners and also to render to this Court a true account of the said property and credits within one year from the said date.

5. The petitioner examined himself as PW1 and has filed the following documents:

Ex.P1 is the original registered last Will and Testament, dated 18.03.2010 executed by the petitioner's father-in-law P.H.Ramaswamy, which has been attested by two attesting witnesses namely Ms.T.Jayamahalakshmi and P. Siva Sankari.

Ex.P2 is the computer generated death certificate of the petitioner's father-in-law deceased P.H.Ramaswamy, who died on 15.06.2014.

Ex.P3 is the Photocopy of the Legal Heirship Certificate dated 12.11.2015 in respect of the deceased P.H. Ramaswamy

Ex.P4 is the certified copy of the Sale Deed, dated 22.07.1988 executed in favour of P.H.Ramaswamy, registered

as Doc. No.2873 of 1988 on the file of the SRO, Virugambakkam.

Ex.P5 is the affidavit of assets showing the net value of the Estate as Rs.1,41,17,500/-

6. The fourth respondent examined herself as RW1 and stated that she is the 4th respondent. The Testator P.H. Ramaswamy is her father. The petitioner Mr.Lakshman Natarajan is her husband. The 1st respondent Mrs.Saroja Ramaswamy is her mother. The 2nd respondent Mrs.Rajeswari Ramaswamy and the 3rd Respondent Mrs.Janaki Ramaswamy are her sisters. She is deposing on behalf of the respondents 1 to 3 also. She has further stated that she is aware of the facts and she has no objection for grant of probate in respect of the Will dated 18.03.2010 (Ex. P1) executed by her father P.H.Ramaswamy, under which, she is also one of the beneficiaries. Ex. R1 is the consent affidavit given by her. Ex. R2 is the consent affidavit given by the 1st respondent/ her mother Saroja Ramaswamy. Ex. R3 is the consent affidavit given by the 2nd respondent Rajeswari Ramaswamy, who is her sister. Ex. R4 is the consent affidavit given by the 3rd respondent Janaki Ramaswamy, who is her sister.

7. One Dr.V. Pasupathy was examined as PW2. Testator is his uncle. He stated that at the time of registration of the Will, dated 18.03.2010 (Ex.P1), he accompanied his uncle, deceased P.H.Ramasamy,

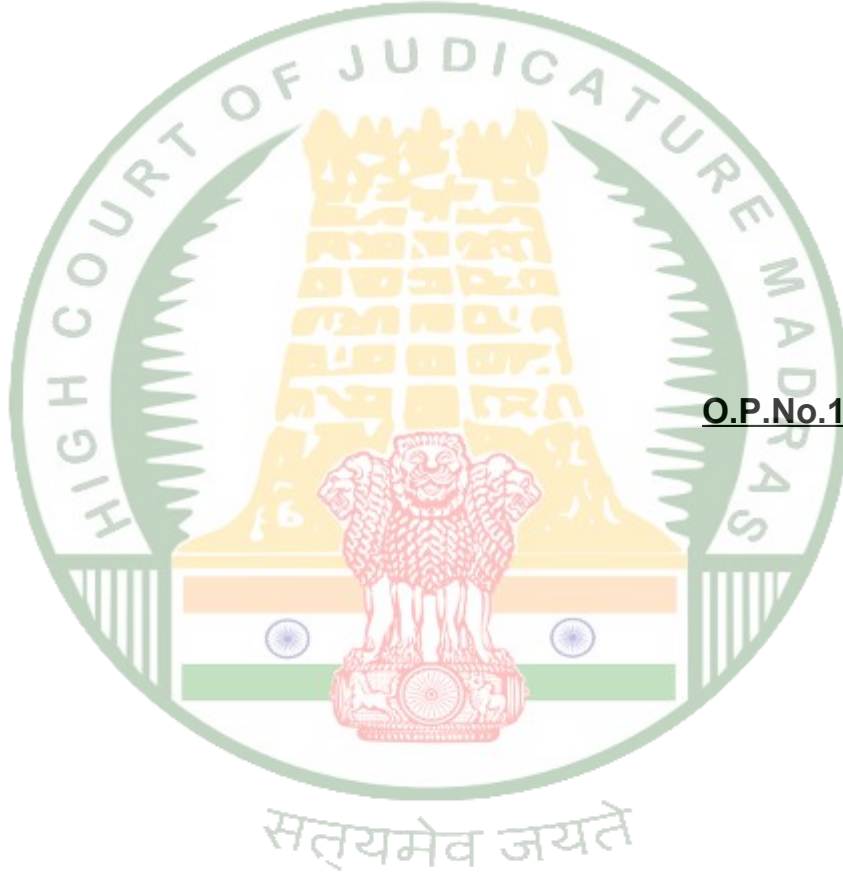
to the Sub - Registrar office, Virugambakkam. One job-typist by name Siva Sankari attested the said Will in his presence. PW2 identified the signature found at the foot of every page of the Will Ex. P1 as that of his uncle P.H. Ramaswamy and he also identified the signature found as against the column of the 2nd attesting witness as that of P.Siva Sankari, who attested the said Will in his presence. Ex.P6 is the affidavit filed by him.

8. Considering the averments made in the petition and on perusing the materials available on record, the Will is proved and I am satisfied that the petitioner is entitled for grant of probate. Issue Probate.

vsi2

28.11.2018

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