

O.P.No.276 of 2019

K.KALYANASUNDARAM, J.,

This Petition has been filed under Sections 222 and 276 of Indian Succession Act, 39 of 1925 r/w Order XXV Rule 4 of O.S Rules.

2.In the petition, it is stated that the deceased V.Santhanam died on 28.12.2013 at Manipal Hospital, Old Airport Road and was ordinarily resided at 302, Sparta II, Prestige Acropolis, Hosur Road, Koramangala, Bangalore-560 029 and left the property within the jurisdiction of this Court. The deceased executed the Will and Testament, dated 13.02.2013 registered as Doc.No.159 of 2012-13 on the file of the Office of the Sub Registrar, Jaya Nagar, Bommanahalli, in the presence of two attesting witnesses, namely, the petitioner and the 4th respondent and the petitioner was appointed as the executor of the Will. The petitioner is the daughter of the testator, the first respondent is the wife of the testator, respondents 2 to 4 are the other daughters and son of the deceased. The deceased at the time of his death left behind the petitioner and the respondents as his surviving legal heirs or next of kin.

3.It is stated that the petitioner impleaded all the next of kin or other persons interested as party/respondent. There is no next kin or other

persons interested to be impleaded. The amount of assets which are likely to come into the petitioner's hands does not exceed in the aggregate the sum of Rs.1,20,59,000/- and net amount of the said assets, after deducting all items which the petitioner is by way allowed to deduct is of the value of Rs.1,20,59,000/-. No application has been made at any District court or delegate or to any other High Court for probate of any Will of the said deceased or for Letters of Administration with or without the Will annexed to his property and credits.

4.The petitioner undertakes to duly administer the properties and credits of the deceased and in any way concerning his will by paying first his debts and then the legacies therein bequeathed so far as the assets will extent and to make a full and true inventory thereof and exhibit the same in 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.

5.The petitioner examined herself as P.W.1. In her evidence she has stated that the testator/father of the petitioner executed his last Will on 13.02.2013 (Ex.P1) in her presence and in the presence of Mr.Santhanam Murali/4th respondent. At the request of the testator P.W.1 subscribed her

signature as the second attesting witness and her brother Mr.Santhanam Murali/4th respondent attested the Will as the first attesting witness. The testator was in sound and disposing state of mind, memory and understanding at the time of execution of Ex.P1 Will. Further, P.W.1 has filed proof affidavit and also marked the following documents viz., Exs.P1 to P10.

- i) Ex.P1 is the original registered last Will and Testament dated 13.02.2013 executed by my father Mr.V.Santhanam
- ii) Ex.P2 is the computer generated copy of the death certificate of my father Mr.Santhanam Venkataraman, who died on 28.12.2013.
- iii) Ex.P3 is the computer generated copy of the Legal Heirship Certificate dated 10.09.2018 in respect of Mr.Santhanam Venkataraman.
- iv) Ex.P4 is the photocopy of the Sale Deed dated 05.02.1967 in favour of my father V.Santhanam (Marked after comparing and verifying with the original.
- v) Ex.P5 is the consent affidavit given by the 1st respondent.
- vi) Ex.P6 is the consent affidavit given by the 2nd respondent.
- vii) Ex.P7 is the consent affidavit given by the 3rd respondent.
- viii) Ex.P8 is the consent affidavit given by the 4th respondent.
- ix) Ex.P9 is the affidavit of assets showing the net value of the estate as Rs.1,20,59,000/-.

x) Ex.P10 is my affidavit as an attesting witness.

She has further stated in her evidence that she has not filed any other petition seeking the same relief.

6.The learned counsel appearing for the respondents would submit that the respondents have no objection for allowing this petition and they have already filed consent affidavit to that effect.

7.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.

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

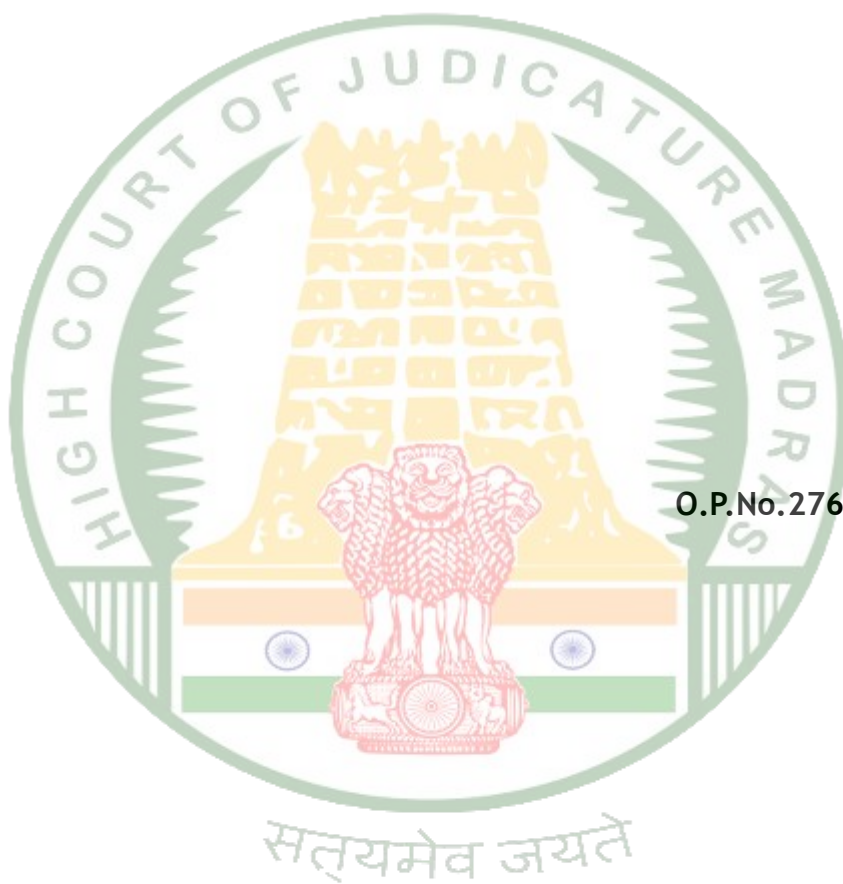
सत्यमेव जयते

WEB COPY 19.09.2019

cse

K.KALYANASUNDARAM, J.

cse



O.P.No.276 of 2019

WEB COPY

19.09.2019