

**O.P.No.361 of 2019**

**K.KALYANASUNDARAM, J.,**

This petition has been filed under Sections 222 and 276 of the Indian Succession Act 39/1925 r/w Order XXV Rule 4 of the Original Side Rules for Probate of Will.

2. In the petition, it is stated that the deceased Dr.K.Chandrasekharan, died on 15.10.2008 at Chennai and he was ordinarily resided at New No.4 (Old No.31) Anna Nagar (East) Chennai - 600 102 and left the properties within the jurisdiction of this Court. The testator executed the Will and testament dated 10.05.2002 at Chennai, voluntarily in a sound and disposing state of mind in the presence of two witnesses. The petitioner was appointed as the executor of the Will. At the time of death, the deceased left behind his wife, daughter and son, the petitioner and the respondent herein as his class I legal heirs. Subsequently, the wife of the deceased died on 05.05.2016 and hence, the petitioner and the respondent are the only class-I legal heirs of the deceased.

3. The amount of assets which are likely to come into the petitioner's hands does not exceed in the aggregate sum of Rs.25,00,000/- and the net

amount of said assets, after deducting all items which the petitioner is by law allowed to deduct, is the value of Rs.25,00,000/-.

4. It is further stated that as per the Will executed by the testator the petitioner has been bequeathed an undivided half share of the land measuring an extent of 3575 sq.ft (one ground and 1175 sq.ft) situated at Plot No.359, I Block, Door No.4 (Old) No.31, Anna Nagar East, Chennai - 600 102, together with the entire ground floor and mezzanine situated on the South-West of the property; the respondent has been bequeathed an undivided share in the said land together with entire first floor construction with mezzanine room now available together with the ground floor constructed area of 111 sq.ft situated on the North-Western corner of the constructed building and both the petitioner and respondent have been bequeathed the staircase leading to the open terrace of the property.

5. It is further stated that 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 Letters of Administration with or without the Will annexed to his property and credits.

6. The petitioner undertakes to duly administer the property and credits of the deceased 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 full and true inventory thereof and exhibit the same in this Court within six months from the date of grant of probate with the Will annexed to the petitioner and also to render this Court a true account of the said property credits within one year from the said date.

7.The petitioner examined herself as P.W.1 and marked exhibits Exs.P1 to P7;

(i) Ex.P1 is the original Last Will and Testament dated 10.05.2002 executed by Dr.K.Chandrasekharan, which has been attested by two attesting witnesses namely 1.Mr.S.Baskaran and 2.Mrs.Lakshmi Venugopalan. Ex.P1 Will was registered as Doc.No.80 of 2002 on the file of the office of the Sub-Registrar, Anna Nagar.

(ii) Ex.P2 is the computer generated copy of the death certificate of K.Chandrasekharan, who died on 15.10.2008.

(iii) Ex.P3 is the computer generated copy of the death certificate of Mrs.C.Pattammal, who died on 05.05.2016.

(iv) Ex.P4 is the photocopy of the Legal Heirship certificate dated 04.11.2008 in respect of Dr.K.Chandrasekharan.

(v) Ex.P5 is the photocopy of the property tax demand card bearing New No.08 101 08605 000 standing in the name of Mrs.C.Vamsadhara and C.Venkatesh Kumar.

(vi) Ex.P6 is the consent affidavit given by the respondent.

(vii) Ex.P7 is the affidavit of assets showing the net value of the property as Rs.25,00,000/-.

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

8. One of the attestors of the Will Mrs.Lakshmi Venugopalan, was examined as P.W.2. In her evidence she has stated that the testator Dr.K.Chandrasekharan, who is the friend of the attesor had executed his last Will and testament (Ex.P1) on 10.05.2002 in her presence and in the presence of Mr.S.Baskaran. At the request of the deceased the attesor (P.W2) subscribed her signature as the second attesting witness along with Mr.S.Baskaran, who attested the Will (Ex.P1) as the first attesting witness. The testator was in a sound and disposing state of mind, memory and understanding at the time of execution of Ex.P1 Will. She was also one of the identifying witnesses to the Will, at the time of registration of the Will before the SRO, Anna Nagar. Ex.P8 is her consent affidavit in that regard.

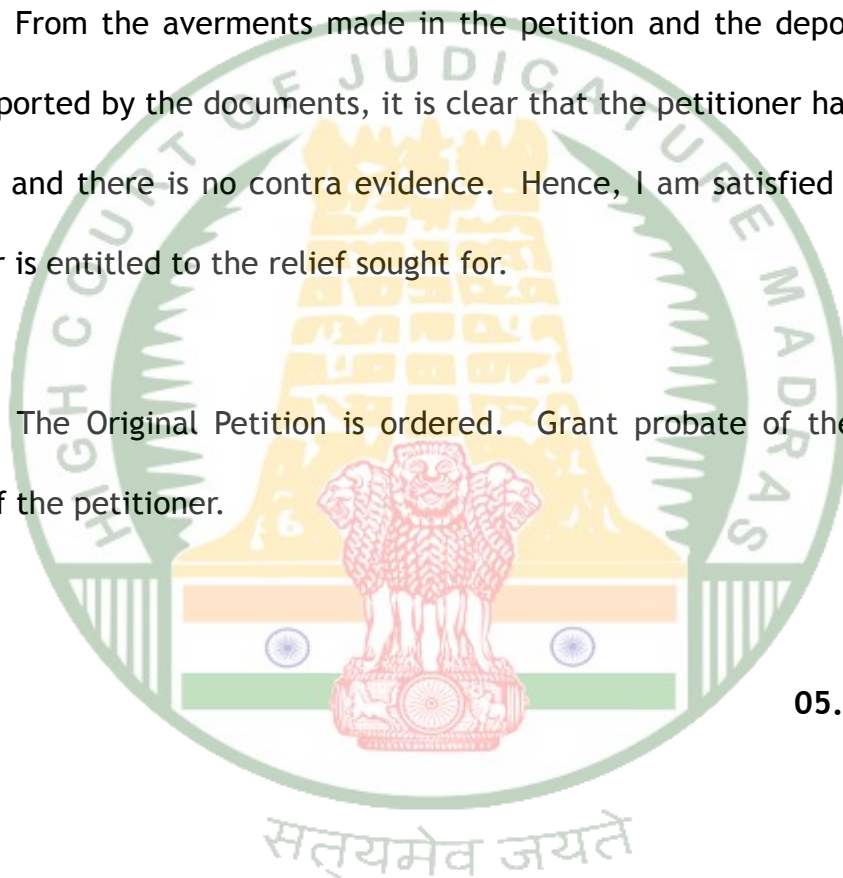
9. The learned counsel appearing for the respondent would submit that the respondent has no objection for probate of the Will in favour of the petitioner and he has already filed his consent affidavit to that effect.

10. 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.

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

05.09.2019

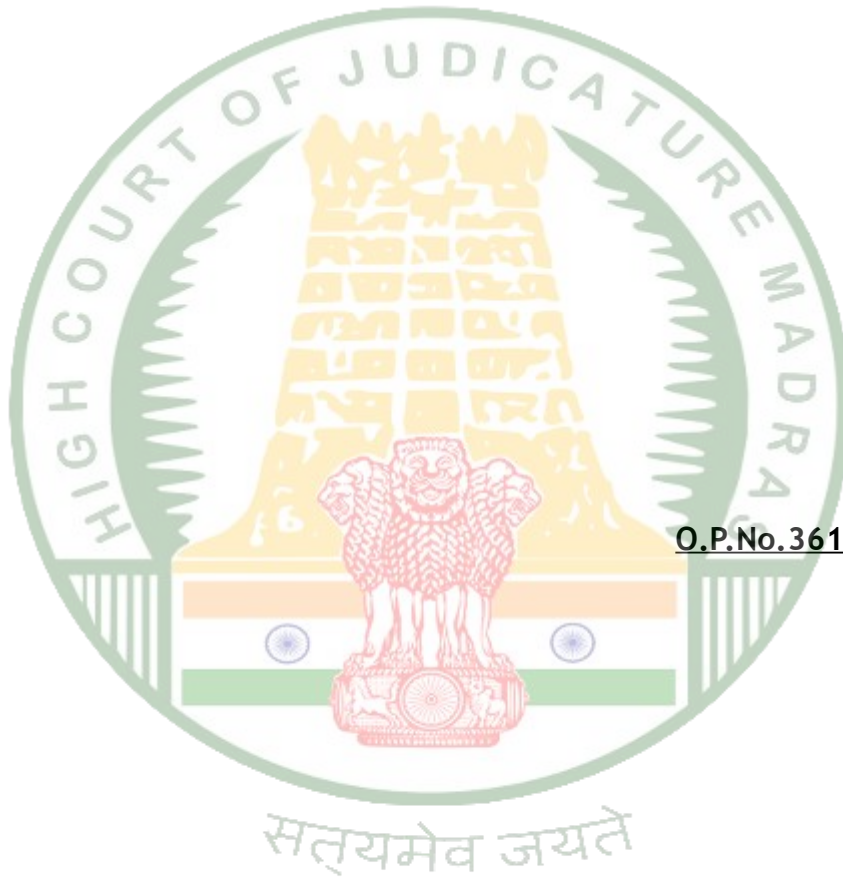
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