

O.P.No.313 of 2019

K.KALYANASUNDARAM, J.

This petition has been filed under Sections 222 and 276 of the Indian Succession Act and under Order XXV Rule 5 of O.S Rules, for the grant of Probate in respect of the last Will and Testament of the deceased V.Gurumurthy.

2. In the petition, it is stated that the deceased V.Gurumurthy ordinarily resided at No.12, Sriram Nagar 2nd Street, Vyasarpadi, Tondiarpet, Chennai-600 039 and died on 01.01.2019 and left the property within the jurisdiction of this Court. The deceased executed his last Will and Testament on 10.09.2017 in the presence of two witnesses. The petitioner herein is the sole executor named in the Will. The first respondent is the wife and the second respondent is the son of the deceased. The mother of the testator predeceased him. The deceased bequeathed his immovable and movable properties to be taken by his sister in law's son, the petitioner herein, in a particular manner in the said Will.

3. The amount of assets which are likely to come into the petitioner's hands does not exceed in the aggregate sum of Rs.1,85,50,000/- 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.1,85,50,000/-.

4. The petitioner undertakes to duly administer the property and credits of the deceased in any way concerning her Will by paying first his debts and then the legacies therein bequeathed as far as the assets will extend and to make a full and true inventory thereof and exhibit the same in this Court within six months from the date of grant of Probate 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 made to any District Court or delegate or any other High Court for Probate of any Will of the deceased or Letters of Administration with or without the Will attached of his properties and credits.

5. The petitioner examined himself as P.W.1 and filed proof affidavit, reiterating the averments contained in the petition and marked Exs.P1 to P4 viz.,

Exs	Documents	Dated
P1	Computer generated death certificate of his uncle Mr.V.Gurumurthy, who died on 01.01.2019	-
P2	Original Last Will and Testament executed by his uncle Mr.V.Gurumurthy	10.09.2017
P3	Affidavit of assets showing the net value of the estate as Rs.1,85,50,000/-	-
P4	Consent affidavit given by the first respondent stating that she has no objection for grant of Probate in favour of the petitioner	-

6. One of the attesters of the Will, viz., T.N.Ganapathy was examined as P.W.2. In his evidence, it is stated that the testator is his colleague and both are worked in the Department of Tele Communication. He further stated that the testator executed his Last Will and Testament on 10.09.2017 (Ex.P2) in his presence and in the presence of Mr.K.Ramakrishnan. At his request, he subscribed his signature as the first attesting witness along with Mr.K.Ramakrishnan, who attested the Will (Ex.P2) as the second attesting witness in the presence of the testator. The testator was in a sound and disposing state of mind, memory and in good health at the time of execution of Ex.P2 Will. Ex.P5 is the concerned affidavit, in that regard.

7. Though both the respondents have been served, the second

respondent has not chosen to contest the petition and the first respondent entered appearance through Mr.P.Rajesh, learned counsel, who has stated that the first respondent has no objection for allowing this petition and she has already filed consent affidavit to that effect.

8. 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.

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

13.11.2019

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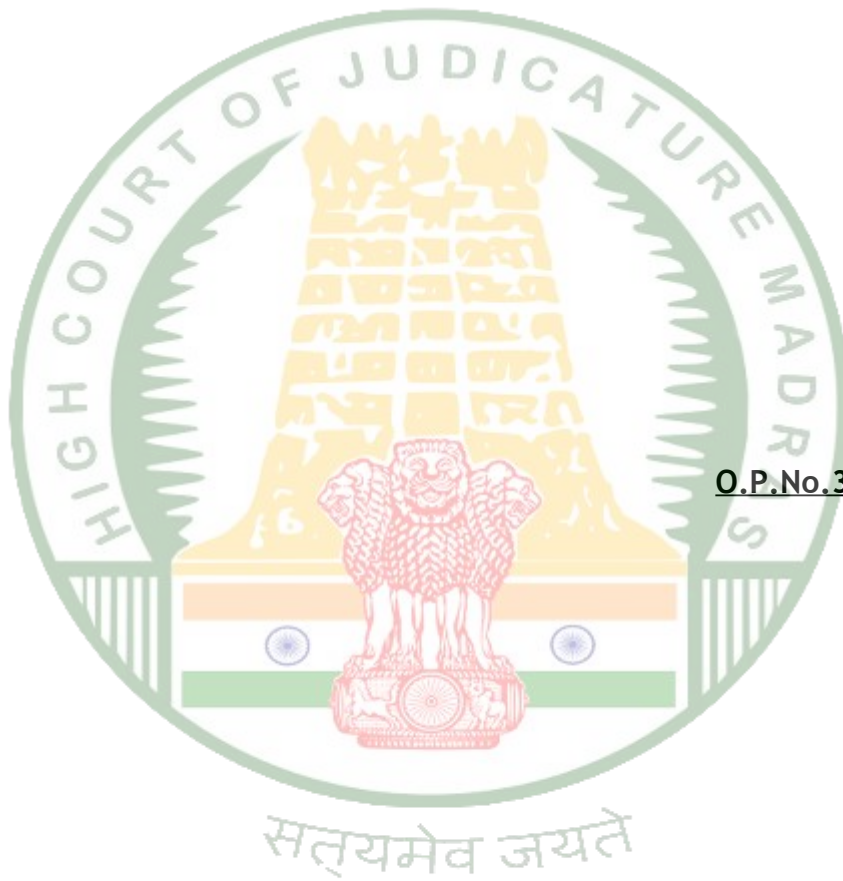
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