

O.P.No.311 of 2019

K.KALYANASUNDARAM, J.,

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

2.In the petition, it is stated that the deceased V.Srinivasan ordinarily resided at Flat No.4C (Fourth Floor) in the Apartment Complex, known as "Shree Surya Sadhan" No.26 (Old No.22), Deivasigamani Road, Royapettah, Chennai - 600 014 and died on 13.12.2018 and left the property within the jurisdiction of this Court. The deceased executed the Will and Testament, dated 12.10.2018, in the presence of two attesting witnesses. The petitioner was appointed as the executor of the Will. The deceased/testator at the time of his death is a bachelor without any issue and no second class legal heirs visited the deceased for the last 25 years and nobody visited even on his death. The deceased/testator's parents died long back, his sisters and brothers were also died long back and the testator is the only surviving legal heir of the testator's parents. The respondents 1 and 2 have taken care of the deceased for the past forty five years.

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.50,00,000/- 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.49,80,000/-. As per the Will of the deceased, a sum of Rs.45,00,000/- has to be paid to the respondents 1 and 2 for the services rendered by them to the deceased. 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 himself as P.W.1 and filed proof affidavit and also marked the following documents viz., Exs.P1 to P7.

i) Ex.P1 is the original unregistered Will dated 12.10.2018 executed by Mr.V.Srinivasan, which has been attested by two attesting witnesses namely 1.Mr.K.Gopikrishnan and 2.Mr.Joseph.

ii) Ex.P2 is the computer generated copy of the death certificate of V.Srinivasan, who died on 13.12.2018.

iii) Ex.P3 is the certified copy of the Sale Deed dated 24.03.2004 in favour of the Testator Mr.V.Srinivasan.

iv) Ex.P4 is the photocopy of the property tax demand card in the name of Mr.V.Srinivasan bearing Old No.06 095 0756 012 and New No.09 119 02170 000.

v) Ex.P5 is the affidavit of assets showing the net value of the estate as Rs.49,80,000/-.

vi) Ex.P6 is the consent affidavit given by the 1st respondent.

vii) Ex.P7 is the consent affidavit given by the 2nd respondent.

He has further stated in his evidence that he has not filed any other petition seeking the same relief.

6.One of the attestors of the Will Mr.K.Gopikrishnan, was examined as P.W.2. In his evidence he has stated that the testator is his family friend and he executed his last Will on 12.10.2018 (Ex.P1) in his presence and in the presence of Mr.Joseph. At the request of the testator P.W.2 subscribed

his signature as the first attesting witness and Mr. Joseph, attested the Will as the second attesting witness. The testator was in sound and disposing state of mind, memory and understanding at the time of execution of Ex.P1 Will.

7.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.

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.

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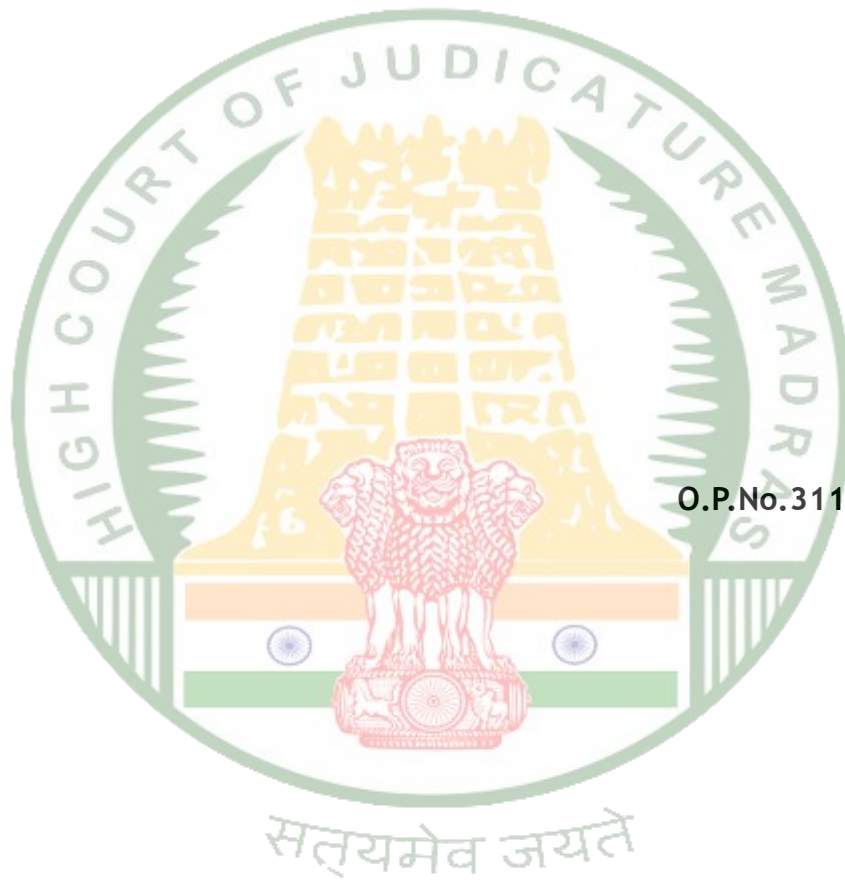
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