

O.P.No.621 of 2019

K.KALYANASUNDARAM, J.

This petition has been filed under Sections 222 and 276 of the Indian Succession Act 1925 read with order XXV Rule 4 of the O.S. Rules for Probate of Will.

2. In the petition, it is stated that the deceased testatrix Mrs.Manju Choudhury was ordinarily residing at Old No.20, New No.50, Casa Major Road, Egmore, Chennai and died on 17.05.2018. The deceased at the time of her death left 50% of her share in Item No.(i) and all other items of Petition "A" Schedule Properties. The petitioner is the husband and the respondents are the children of the deceased.

3. The deceased executed her last Will and Testament on 19.03.2018 at Chennai in the presence of the witnesses and bequeathed 50% of her share in Item No.(i) and all other items of petition 'A' Schedule properties to her son / first respondent herein. The petitioner is appointed as the Executor in the Will. The petitioner has handed over the schedule A property to the first respondent. The amount of assets which are likely to come into the petitioner's hands does not exceed in the aggregate sum of Rs.1,53,24,443/-.

4. No application has been made to any District Court or any High Court for Probate of any Will of the deceased or Letters of Administration with or without the Will annexed to her property and credits. The petitioner undertakes to duly administer the property and credits of the deceased in any way concerning her Will by paying first her 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 in this Court within six months from the date of grant of Probate of the petitioner and also to render 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 marked exhibits Exs.P1to P7;

- a) Ex.P1 is the original unregistered Will dated 19.03.2018 executed by Mrs.Manju Choudhury, which has been attested by two attesting witnesses, viz., 1.Mr.P.Kothandaraman and 2.Mr.Chandra Prakash Dhanuka.
- b) Ex.P2 is the computer generated copy of the death certificate of Manju Choudhury, who died on 17.05.2018.
- c) Ex.P3 is the computer generated copy of the Legal Heirship Certificate dated 17.09.2018 in respect of Manju Choudhury.
- d) Ex.P4 is the photocopy of the Aadhaar Card of the 1st respondent.
- e) Ex.P5 is the affidavit of assets showing the net value of the estate as

Rs.1,53,24,443/-.

f) Ex.P6 is the consent affidavit given by the 2nd respondent.

g) Ex.P7 is the consent affidavit given by the 1st respondent.

He has further stated that he has not filed any other petition before any other Court seeking the same relief.

6. One of the attestors of the Will, Mr.P.Kothandaraman was examined as PW2. In his evidence, he has stated that he knew the testatrix through the petitioner herein, who is the Director of his Company. The testatrix executed her last Will and Testament on 19.03.2018 in his presence and in the presence of his colleague Mr.Chandra Prakash Dhanuka. At request of the testatrix, he subscribed his signature as the first attesting witness and Mr.Chandra Prakash Dhanuka attested the Will as the second attesting witness. The testatrix was in a sound and disposing state of mind, memory and understanding at the time of execution of the Will. Ex.P8 is his affidavit in that regard.

7. One other attesor of the Will, Mr.Chandra Prakash Dhanuka was examined as CW1. In his evidence, he has stated that the testatrix is his relative and he is well acquainted with her. The testatrix executed her last Will and Testament on 19.03.2018 in his presence and in the presence of his colleague Mr.P.Kothandaraman. At request of the testatrix, he subscribed his

signature as the second attesting witness and Mr.P.Kothandaraman attested the Will as the first attesting witness. The testatrix was in a sound and disposing state of mind, memory and understanding at the time of execution of the Will.

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.

15.11.2019

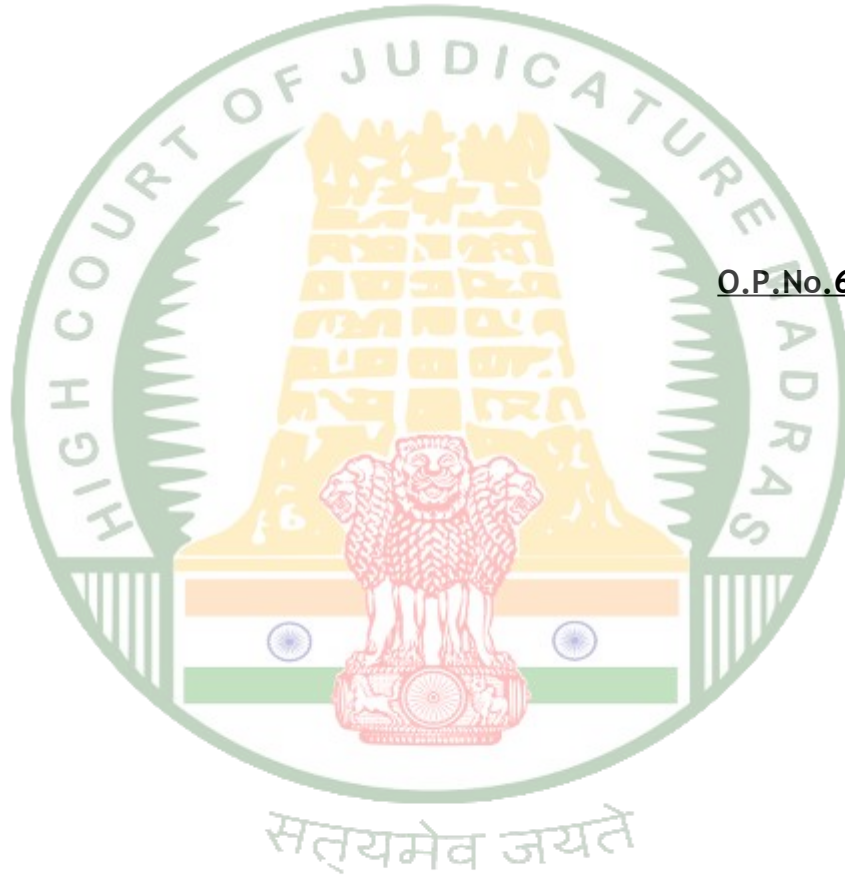
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