

O.P.No.213 of 2018**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 Sulochana ordinarily resided at Door No.31/3, New No.58, 3rd street, Annamalai Nagar, Mettupalayam, Chennai and died on 03.08.2015 at his residence and left the properties at Chennai within the jurisdiction of this Court. The petitioner is the executor named in the will dated 18.07.2015. The deceased executed the Will and Testament, dated 18.07.2015 at Chennai, in the presence of two witnesses namely P.A.K.Prakash and R.Bamini. The deceased husband S.P.Sathiya Narayanan, died intestate on 12.09.2014. The first respondent Sivanesan is the adopted son of the deceased and the 2nd respondent is the caveator herein who is the stranger of the proceedings. The deceased bequeathed the property in favour of the first respondent Sivanesan.

3.The beneficiary under the will dated 18.07.2015 is the first respondent herein. The amount of assets which are likely to come into the petitioner hands does not exceed in the aggregate the sum of Rs.10,00,000/- 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.10,00,000/-. 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 her property and credits.

4. The petitioner undertakes to duly administer the property and credits of the deceased and in any way concerning her will by paying first her 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 P8.

i) Ex.P1 is the original unregistered Will and Testament dated 18.07.2015 executed by the deceased Mrs.Sulochana, which has been attested by two attesting witnesses namely 1.Mr.R.Bamini and 2.Mr.P.A.Prakash.

ii) Ex.P2 is the computer generated copy of the death certificate of the testatrix Sulochana, who died on 03.08.2015.

iii) Ex.P3 is the computer generated copy of the death certificate of

the deceased husband Mr.S.P.Sathyanarayanan, who died on 12.09.2014.

iv) Ex.P4 is the photocopy of the legal heirship certificate dated 18.12.2014 in respect of MR.S.P.Sathyanarayan.

v) Ex.P5 is the photocopy of the sale deed dated 28.01.1982 in favour of the Testatrix Mrs.Sulochana

vi) Ex.P6 is the affidavit of assets showing the net value of the estate as Rs.10,00,000/-.

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

Viii) Ex.P8 is the consent affidavit given by the 2nd respondent.

He has further stated in his evidence that Ex.P1 Will has been attested by two attesting witnesses namely P.A.K.Prakash and Bamini they have not filed any other petition seeking the same relief.

6. One of the attestors of the Will namely P.A.K.Prakash was examined as P.W.2. In his evidence he has stated that the testatrix is his family friend and she executed her last Will on 18.07.2015 (Ex.P1) in his presence and in the presence of R.Bamini. At the request of the testatrix P.W.2 subscribed his signature as the first attesting witness and R.Bamini, attested the Will as the second attesting witness. The testatrix was in sound and disposing state of mind, memory and understanding at the time of execution of Ex.P1 Will. Ex.P9 is the consent affidavit, in that regard.

K.KALYANASUNDARAM, J.

vsn

7. The learned counsel appearing for the respondents would submit that the respondents have no objection in granting probate in favour of the petitioner. EX.P7 and Ex.P8 are the consent affidavit filed by them.

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.

सत्यमेव जयते

13.09.2019

vsn

WEB COPY

O.P.No.213 of 2018