

O.P.No.792 of 2018

K.KALYANASUNDARAM, J.,

This Petition has been filed under Sections 222 and 276 of Indian Succession Act, 39 of 1925 r/w Order XXV Rule 4 of O.S Rules.

2.In the petition, it is stated that the deceased Shrinivas Agrawal died on 09.04.2015 at Noble Hospital, Purasawalkam, Chennai - 600 084 and was ordinarily resided at Sri Mahalakshmi Utsav, Flat No.10-A & 10-B, Bhavya Block, Door No.339, Konnur High Road, Ayanavaram, Chennai-600 023 and left the property within and outside the jurisdiction of this Court. The wife of the deceased, namely, Vimala Agrawal died on 21.07.2015 and has also left the property within and outside the jurisdiction of this Court. The deceased, namely, Shrinivas Agrawal and Vimala Agrawal jointly executed the Will and Testament, dated 24.01.2015 at Chennai in the presence of two attesting witnesses, namely, Aditya Jain and Deepak Modi and the petitioner was appointed as the executor of the Will. The petitioner is the son and the respondents are the daughters of the deceased Shrinivas Agrawal and Vimala Agrawal. The deceased at the time of their death left behind the petitioner and the respondents as their surviving legal heirs or next of kin.

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.8,79,82,501.11 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.8,79,82,501.11. 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 properties and credits of the deceased and in any way concerning their will by paying first their 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 and Testament dated

24.01.2015 executed by Mr.Srinivas Agrawal and Mrs.Vimala Agrawal which has been attested by two attesting witnesses namely 1.Mr.Aditya Jain and 2.Deepak Modi.

ii) Ex.P2 is the computer generated copy of the death certificate of Mr.Srinivas Agrawal, who died on 09.04.2015.

iii) Ex.P3 is the computer generated copy of the death certificate of Mrs.Vimala Agrawal, who died on 21.07.2015.

iv) Ex.P4 is the photocopy of the Legal Heirship certificate dated 23.09.2015 in respect of Mrs.Vimala Agrawal.

v) Ex.P5 is the original statement of accounts in respect of Mrs.Vimala Agrawal as on 31.01.2018.

vi) Ex.P6 is the original statement of accounts as on 31.01.2018 in respect of Mr.Shrinivas Agrawal.

vii) Ex.P7 is the affidavit of assets showing the net value of the estate as Rs.2,29,06,275.70/-

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.Aditya Jain, was examined as P.W.2. In his evidence he has stated that the deceased Shrinivas Agrawal and Vimala Agrawal are his maternal grandparents. He had further stated that

the deceased executed their last Will on 24.01.2015 (Ex.P1) in his presence and in the presence of Mr.Deepak Modi. At the request of the testator P.W.2 subscribed his signature as the first attesting witness and Mr.Deepak Modi, attested the Will as the second attesting witness. The testator and the testatrix were in sound and disposing state of mind, memory and understanding at the time of execution of Ex.P1 Will. Ex.P8 is the concerned affidavit, in that regard.

7.Despite service of notice and the names of the respondents are printed in the cause list, none appears on behalf of the respondents.

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.

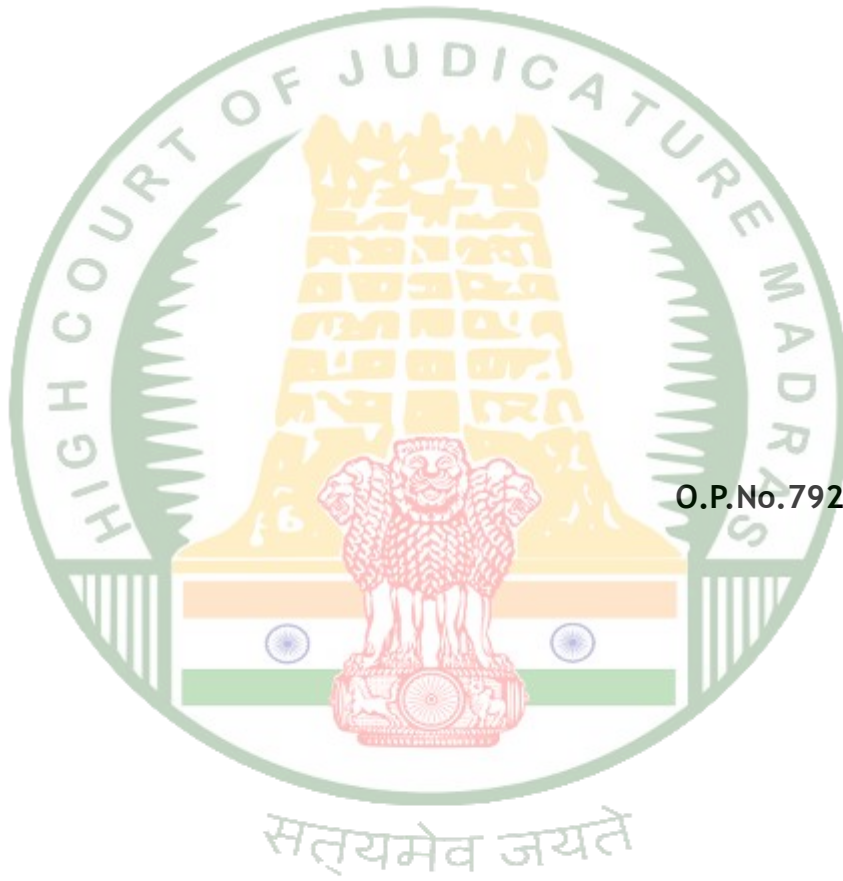
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