

O.P.No.487 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 S.S.Venkataraman died on 06.02.2018 at R.M.D. Nursing Home, Raghaviah Road, T.Nagar, Chennai - 600017 and he was ordinarily resided at Flat No.4, Srimathi Apartments, No.11, Gandhi Street, T.Nagar, Chennai - 600 017 and left the property within the jurisdiction of this Court. The deceased executed the Will and Testament, dated 22.11.2014, in the presence of two attesting witnesses, namely, Dr.G.R.Rajashree and Mr.N.Muralidharan and the petitioner was appointed as one of the executor of the Will and in case, if the petitioner was incapable to act, his wife, namely, Vijayalaxmi, was appointed as the executor of the Will. The wife of the deceased pre-deceased him and they had no issues. The petitioner is the nephew of the deceased and the respondents are the only sisters of the deceased. The deceased at the time of his death left behind the petitioner and the respondents as his 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.66,45,520/- 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.66,45,520/-. 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 computer generated copy of the death certificate of Mr.S.S.Venkataraman, who died on 06.02.2018.

ii) Ex.P2 is the original unregistered Will and Testament dated 22.11.2014 executed by Mr.S.S.Venkataraman, which has been attested by two attesting witnesses namely 1.Dr.G.R.Rajashree and 2.N.Muralidharan.

iii) Ex.P3 is the photocopy of the Settlement Deed dated 07.02.1961 in favour of Mr.S.S.Venkataraman.

iv) Ex.P4 (series 2 Nos) are the photocopies of the savings account passbooks bearing account No.231001159 in the Tamil Nadu State Apex Co-operative Bank Limited and account No.10477526707 in State Bank of India in the name of Mr.S.S.Venkataraman (Marked after comparing and verifying with the originals).

v) Ex.P5 is the consent affidavit given by the 1st respondent.

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

vii) Ex.P7 is the affidavit of assets showing the net value of the estate as Rs.66,45,520/-.

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.N.Muralidharan was examined as P.W.2. In his evidence he has stated that the testator is his family friend. He had further stated that the testator executed his last Will on 22.11.2014 (Ex.P2) in his presence and in the presence of Dr.G.R.Rajashree. At the request of the testator P.W.2 subscribed his signature as the second attesting witness and Dr.G.R.Rajashree, 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.P2 Will. Ex.P8 is the concerned affidavit, in that regard.

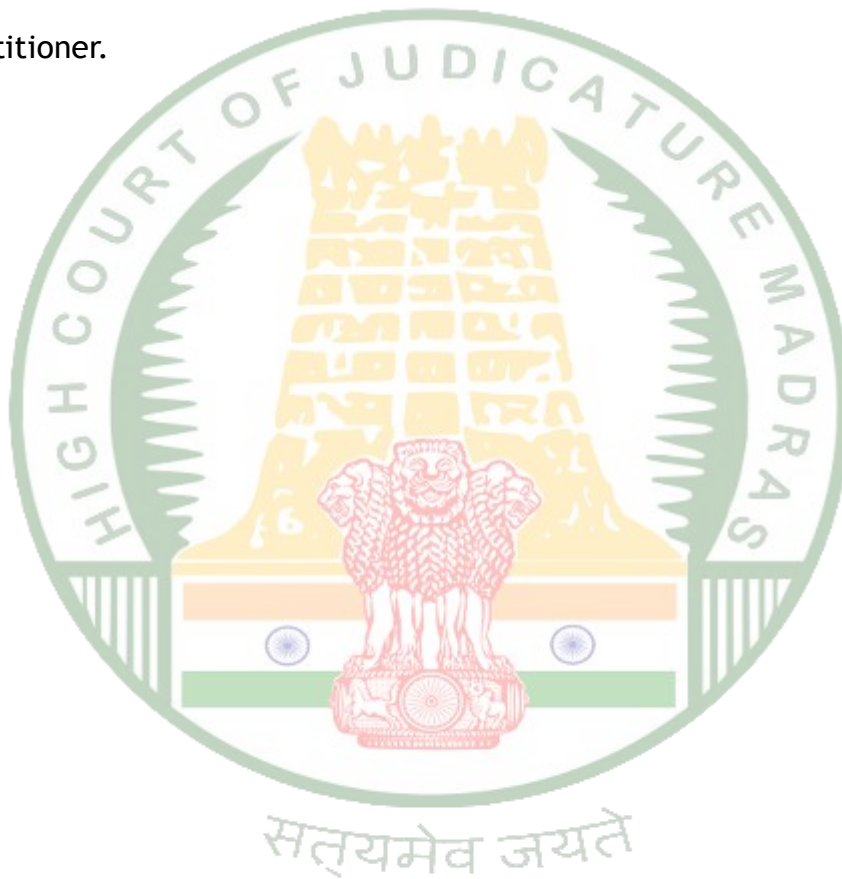
7.The learned counsel appearing for the respondents would submit that the respondents have no objection for allowing this petition and they have already filed consent affidavit to that effect.

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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