

O.P.No.611 of 2019

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 K.Venkatachalam died on 17.03.2019 at Flat No.3, Vikas Venkatachari Apartments, No.2/4, Tansi Nagar, 8th Street, Velachery, Chennai - 600 042 and was ordinarily resided at Door No.96, Ramaswamy Street, Mannady, Chennai - 600 001 and left the property within the jurisdiction of this Court. The parents of the deceased predeceased him. The deceased executed the Will and Testament, dated 01.08.2010 registered as Document No.9/2017, Joint Sub Registrar-I, North Chennai in the presence of two attesting witnesses, namely, D.Suresh Kumar and B.Sreeram and the petitioner was appointed as the executor of the Will. The petitioner is the sister's daughter of the testator and the respondent is the wife of the deceased testator. The deceased at the time of his death left behind the petitioner and the respondent 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.60,00,000/- 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.60,00,000/-. 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 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 herself as P.W.1 and filed proof affidavit and also marked the following documents viz., Exs.P1 to P6.

i) Ex.P1 is the original last Will and Testament dated 01.08.2017 executed by my maternal uncle K.Venkatachalam registered as Doc.No.9 of

2017 at SRO, North Chennai.

ii) Ex.P2 is the computer generated death certificate of my maternal uncle Venkatachalam, who died on 17.03.2019.

iii) Ex.P3 is the computer generated Legal Heirship certificate dated 09.07.2019 in respect of my maternal uncle Venkatachalam.

iv) Ex.P4 is the photocopy of the Sale Deed dated 11.04.1974 in favour of my maternal uncle K.Venkatachalam registered as Doc.No.1173 of 1974 at SRO, Saidapet (Marked after comparing and verifying with the original).

v) Ex.P5 is the consent affidavit given by the respondent herein she has no objection in grant of probate as prayed in the petition.

vi) Ex.P6 is the affidavit of assets showing the net value of the estate as Rs.60,00,000/-.

She has further stated in her evidence that she has not filed any other petition seeking the same relief.

6.One of the attestors of the Will Mr.B.Sreeram, was examined as P.W.2. In his evidence he has stated that the deceased K.Venkatachalam is his maternal uncle. He had further stated that the testator executed his last Will on 01.08.2017 (Ex.P1) in his presence and in the presence of Mr.D.Suresh Kumar. At the request of the testator P.W.2 subscribed his

signature as the second attesting witness and Mr.D.Suresh Kumar, attested the Will as the first attesting witness. The testator was in sound and disposing state of mind, memory and understanding at the time of execution of Ex.P1 Will. Ex.P7 is the concerned affidavit, in that regard.

7.The learned counsel appearing for the respondent would submit that the respondent has no objection for allowing this petition and she has 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 her 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.

WEB COPY

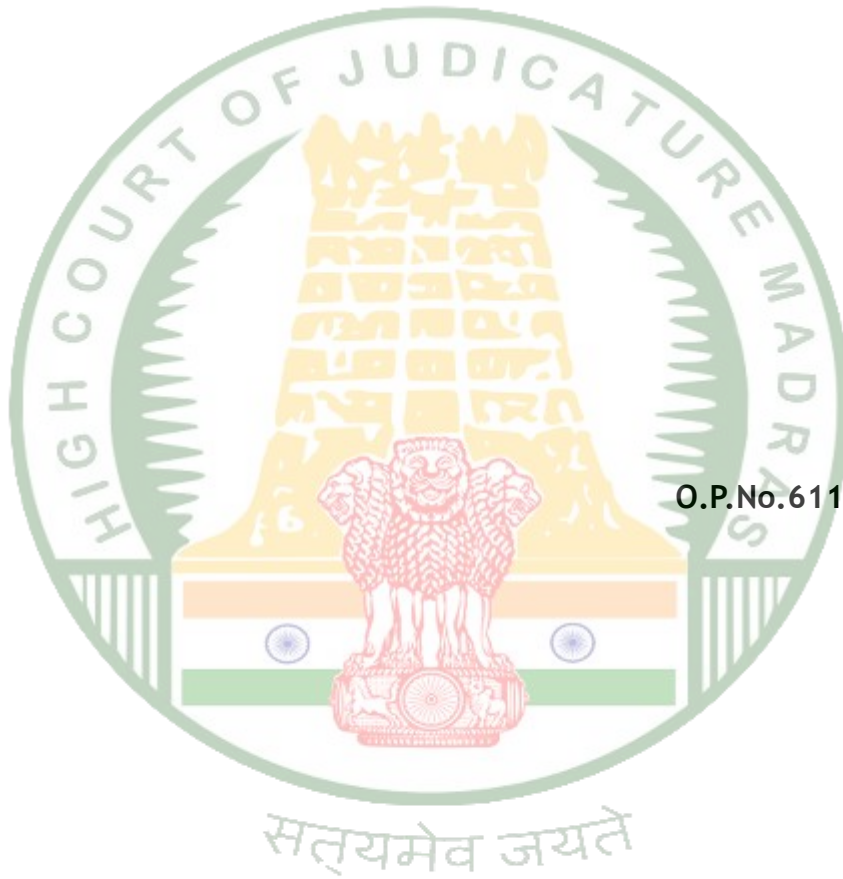
18.10.2019

cse

O.P.No.611 of 2019

K.KALYANASUNDARAM, J.

cse



O.P.No.611 of 2019

WEB COPY

18.10.2019