

OP No.849 of 2018**R.SUBRAMANIAN.J.,**

This Original Petition has been filed for issuance of probate for the last will and testament dated 20.07.2017 executed by Late Habibullah Badsha, who died on 22.11.2017. The petitioners are the wife and son of the deceased and they have been appointed as executor under the Will and the two daughters of the deceased are the respondents. The respondents have also filed their consent affidavits expressing their consent for grant of probate.

2. The 2nd petitioner has been examined as P.W.1. He has produced the death certificate of the Rahimunissa Hakim (mother of the deceased) as Ex.P1. The death certificate of the deceased Habibullah Badsha, as Ex.P2. Ex.P3 is the legal heirship certificate and the Original last Will and Testament dated 20.07.2017 has been produced as Ex.P4. A perusal of Ex.P3 shows that the petitioners and the respondents are the only legal heirs of the deceased Habibullah Badsha.

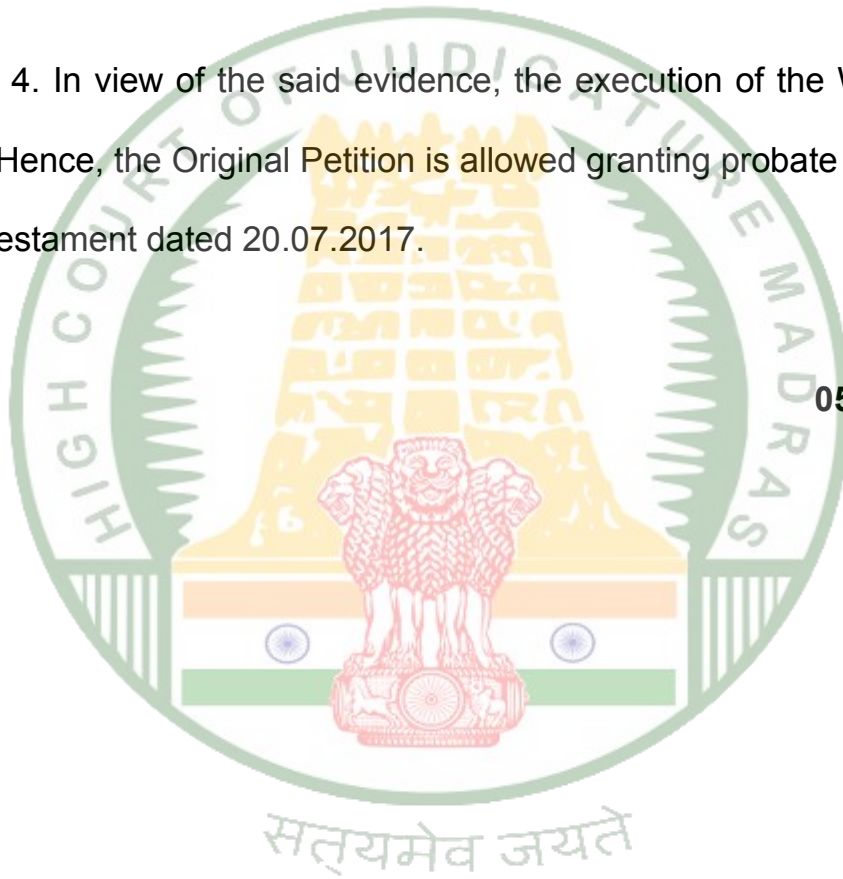
3. One T.M.Pappiah, who is one of the attesting witnesses to the said Will has been examined as P.W.2. He has spoken about the execution of the Will by the testator and its attestation by himself and Mr.S.Dhayaleswaran. The 1st respondent Ms.Maimoona Badsha, daughter

of the deceased Habibullah Badsha, has been examined as R.W.1. The consent affidavits of the respondents have been marked as Exs. R1 and R2. The testator is a Hanafi Muslim and all his legal heirs having consented to the dispositions made under the Will.

4. In view of the said evidence, the execution of the Will stands proved. Hence, the Original Petition is allowed granting probate for the last will and testament dated 20.07.2017.

05.04.2019

jv



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