



O.P.No.488 of 2019

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WEB C **ABDUL QUDDHOSE, J.**

This petition has been filed for grant of probate. The petitioner is the son of the deceased Testator S.Govindan, who died on 02.10.2006 leaving behind a registered Will dated 22.11.2001 in which the petitioner has been appointed as an Executor and he is the beneficiary.

2. The respondent is the sister of the petitioner and the daughter of the deceased Testator S.Govindan. The petitioner and the respondent are the only legal heirs of the deceased Testator S.Govindan. The wife of the Testator S.Govindan and another daughter of the deceased Testator S.Govindan predeceased him.

3. Under the Will, there are two attesting witnesses viz., Mr.Ramesh Agarwal and Mr.Hanumanthu.

4. Before the Learned Master, the petitioner Mr.G.Subramanian was examined as a witness(P.W.1). In his deposition, he has reiterated the contents of the petition filed in support of O.P.No.488 of 2019. Through P.W.1, the following documents were marked as exhibits:-



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<i>Exhibits</i>	<i>Nature of the document</i>
Ex.P-1	Original Will and Testament dated 22.11.2001 executed by Mr.S.Govindan which has been attested by two attestors. The Will was registered as Doc.No.79 of 2001 on the file of Office of the Sub Registrar, Banjarahills.
Ex.P-2	Original Death Certificate of Mr.S.Govindan, who died on 02.10.2006.
Ex.P-3	Photocopy of the Sale Deed dated 11.05.1957 in favour of S.Govindan
Ex.P-4	Photocopy of the Sale Deed dated 26.10.1994 in favour of S.Govindan.
Ex.P-5	Photocopy of the Release Deed dated 19.06.1973
Ex.P-6	Affidavit of Assets showing the net value of the estate as Rs.3,11,93,000/-
Ex.P.7	Consent Affidavit given by the respondent

5. Through P.W.2, Mr.Ramesh Agarwal, (first attesting witness) the following document was marked as Ex.P.8:

Ex.P.8	Consent Affidavit given by Mr.Ramesh Agarwal (P.W.2)
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6. In his deposition, he has deposed that the Testator Mr.S.Govindan is his neighbour and he is well acquainted with him. He has also deposed that the Testator S.Govindan executed Ex.P1 Will on 22.11.2001 only in his presence and in the presence of the other attesting witnesses Mr.Hanumanthu. He also deposed that he subscribed his signature as the first attesting witness along with Mr.Hanumanthu, who attested Ex.P.1 Will as the second attesting witness in the presence of Testator S.Govindan. He also deposed that he saw



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the Testator S.Govindan affixing his left thumb impression on all the pages of

Ex.P.1 Will and all of them signed in each other's presence. He also deposed that the Testator was in a sound and disposing state of mind, memory and understanding at the time of execution of Ex.P.1 Will. He further deposed that he was one of the identifying witnesses to Ex.P.1 Will at the time of registration of the Will before Sub Registrar Office, Banjarahills. In support of his deposition, he has filed his affidavit which has been marked as Ex.P.8.

7. As seen from the evidence available on record, the respondent, who is the daughter of the deceased Testator S.Govindan and the sister of the petitioner has filed No Objection affidavit before the learned Master, which has been marked as Ex.P.7, in which, she stated that she has no objection in granting probate in favour of the petitioner.

8. As seen from the evidence available on record, it is clear that the Testator S.Govindan has executed a Will Ex.P.1 dated 22.11.2001, in which, the petitioner has been appointed as an Executor and he is the beneficiary. The Testator S.Govindan died on 02.10.2006 as seen from his death certificate which has been marked as Ex.P.2. The Original Will dated 22.11.2001 executed by the Testator S.Govindan has been marked as Ex.P.1. The Sale deeds and the



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Release deed standing in the name of the Testator S.Govindan have been marked as Exs.P.3, P.4 and P.5. The consent affidavit of the respondent has been marked as Ex.P.7.

9. As seen from the evidence available on record, it is clear that the petitioner and the respondent are the only legal heirs. In the affidavit filed in support of OP No.488 of 2019, the petitioner has also pleaded that the petitioner and the respondent are the only legal heirs of the deceased Testator S.Govindan. Therefore, it is clear that the petitioner and the respondent are the only legal heirs of the deceased Testator S.Govindan.

10. The respondent has also given her consent affidavit stating her no objection for grant of probate in favour of the petitioner.

11. After giving due consideration to the pleadings and evidence available on record, this Court is inclined to grant probate as prayed for in favour of the petitioner.

12. Accordingly, Registry is directed to grant "Probate" in respect of



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the said Will in favour of the petitioner. As undertaken by the petitioner in paragraph 11 of the petition, the petitioner shall duly administer the property(ies) and credits of the deceased Testator S.Govindan in any way concerning his Will by paying first his debts and the legacies therein bequeathed so far as the assets will extend and to make full and true inventory thereof and exhibit the same before this Court within six months from the date of issuance of Probate by the Registry of this Court and also to render before this Court a true and proper account of the said property(ies) and credits within one year from the date of issuance of Probate by the Registry of this Court.

22.12.2021

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