



O.P.No.672 of 2020

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ABDUL QUDDHOSE, J.

This Petition has been filed seeking for grant of probate in favour of the petitioner.

2. The petitioner is the sister's husband of the deceased testatrix T.K.Mohanalakshmi who died on 15.12.2019 as a spinster after executing the Will dated 16.11.2016. Under the said Will registered as Document No.97 of 2016, the petitioner is the executor and the first respondent is the beneficiary. The first respondent is the daughter-in-law of the brother of the testatrix by name Umamaheswari. The respondents 2 to 4 who are the sisters and brother of the deceased Testatrix are the class-II legal heirs.

3. Before the learned Master, the petitioner was examined as a witness (PW1). In his deposition, he has reiterated the contents of the petition filed in support of O.P.No.672 of 2020. Through PW1, the following documents were marked as exhibits:



<i>Exhibits</i>	<i>Nature of documents</i>
P1	Original Will executed by the deceased Dr.T.K.Mohanalakshmi
P2	Photocopy of the Aadhar Card of the deceased Dr.T.K.Mohanalakshmi
P3	Photocopy of the Pan Card of the deceased Dr.T.K.Mohanalakshmi
P4	Photocopy of the death certificate of the deceased Dr.T.K.Mohanalakshmi
P5	Photocopy of the Aadhar card of the petitioner
P6	Certified copy of the Doc.No.1251/1985

4. The respondents have also given their consent for grant of probate in favour of the petitioner by filing separate consent affidavits. Under the said Will, there are two attesting witnesses namely E.Dhakshnamoorthy and K.Prabhakaran. One of the attesting witnesses namely E.Dhakshnamoorthy was examined as PW2. In his deposition, he has deposed that he is well acquainted with the testatrix T.K.Mohanalakshmi. He has also deposed that on 16.11.2016 when the Will was executed, he was present along with Mr.K.Prabhakaran, the other attesting witness at the request of the testatrix T.K.Mohanalakshmi and only in their presence, the testatrix T.K.Mohanalakshmi signed the Will. He has also deposed that the testatrix T.K.Mohanalakshmi executed the said will in a sound and disposing state of mind, memory and understanding.

5. As seen from the evidence available on record, it is clear that



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T.K.Mohanalakshmi, the testatrix was a spinster and she had executed a Will dated 16.11.2016 registered as document No.97 of 2016 and under the said Will, the petitioner is the executor and the first respondent who is her brother's daughter-in-law is the beneficiary. All the respondents have given their consent for grant of probate in favour of the petitioner by filing separate affidavits before this Court.

The death certificate of the testatrix T.K.Mohanalakshmi which has been marked as Ex.P4 also confirms that she died on 15.12.2019. One of the attesting witnesses namely Dhakshinamoorthy has also been examined as PW2 and he has also deposed that the Will was executed by T.K.Mohanalakshmi in a sound and disposing state of mind and only in his presence and in the presence of other attesting witness K.Prabhakaran, the testatrix had executed the Will. He also deposed that he is well acquainted with the testatrix for a long period of time. He has also identified the signature of the testatrix in his deposition. A copy of the sale deed standing in the name of the testatrix registered as document No.1251 of 1995 has also been marked as Ex.P6.

6. After giving due consideration to the pleadings as well as the



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evidence available on record, this Court is inclined to grant probate as prayed for.

Accordingly, probate is granted in favour of the petitioner and this petition is allowed as prayed for.

7. Accordingly, Registry is directed to grant "Probate" in respect of 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 T.K.Mohanalakshmi in any way concerning her Will by paying first her 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.

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