

O.P.No.507 of 2021**V.PARTHIBAN,J**

This petition has been filed under Sections 222 and 276 of the Indian Succession Act, 1925 read with Order XXV, Rule 4 of O.S. Rules, for the grant of Probate in respect of the last Will and Testament of the deceased J.Kalyani.

2.In the petition, it is stated that the deceased J.Kalyani died on 09.11.2016 at 12/5, Trust Pakkam South Street, RA Puram, Chennai - 600 028. The deceased was ordinarily residing at the said address. The deceased executed a Will dated 02.01.2016. The Testatrix appointed the petitioner as the executrix of the Will. The Testatrix has no children and left with no legal heirs. Petitioner is the neighboring friends and helped the deceased in her last times of her life. The parents of the deceased also predeceased her. The amount of assets which is likely to come to the petitioner's hands does not exceed in the aggregate sum of Rs.1,00,00,000/- and the net amount of the said assets after deducting all the items, which the petitioner is by law allowed to deduct is only of the value of Rs.1,00,00,000/-. The petitioner has impleaded all the next kin of the deceased and other persons interested as respondents and there is no next kin or other persons interested to be impleaded. The petitioner undertakes to duly

administer the property and credits of the deceased J.Kalyani and in any way concerning the Will by paying first her debts and then the legacies therein bequeathed so far as the assets will extend and to make a full and true inventory thereof to 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. No application has been filed in any other Court for the Probate of the Will of the said deceased or Letters of Administration with or without the Will annexed to her property.

3.The petitioner examined herself as P.W.1 and he had narrated the averments made in the petition stating that the petitioner has filed this petition for the grant of probate in his favour in respect of the Last Will and Testament executed by the testatrix on 02.01.2016. Ex.P1 is the original Will executed by J.Kalyani on 02.01.2016. Ex.P2 is the computer generated death certificate of J.Kalyani. Ex.P3 is the computer generated death certificate of Mr.M.K.Jagannathan. Ex.P4 is the photocopy of the death certificate of Mr.S.Srinivasan. Ex.P5 is the photocopy of the legal heirship certificate dated 20.06.1989 in respect of S.Srinivasan. Ex.P6 is the photocopy of the Sale deed dated 11.05.1966. Ex.P7 is the photocopy of the property tax receipt

standing in the name of J.Kalyani. Ex.P8 is the photocopy of the EB receipt standing in the name of Mrs.J.Kalyani. Ex.P9 is the photocopy of the Water and Sewerage Tax receipt. Ex.P10 is the affidavit of assets showing the net value of the estate of Rs.1,00,00,000/-.

4.One of the attestors of the Will dated 02.06.2016 viz., Ms.C.V.Hamsa was examined as P.W.2. In her evidence, P.W.2 has stated that the testatrix executed her last Will and Testament on 02.06.2016 in his presence and in the presence of one Mrs.V.Bhuvana. At the request of the testatrix, P.W.2 subscribed his signature as second attesting witness along with Mrs.V.Bhuvana, who attested the Will as the first attesting witness in the presence of the testatrix. While executing the Will, the testatrix was in a sound and disposing state of mind, memory and understanding. Ex.P11 is her affidavit in this regard.

5.From the averments made in the petition and the deposition of P.W.1 & P.W.2 supported by documents Exs.P1 to P11, it is clear that the petitioner has proved his claim and there is no contra evidence. Hence, this Court is satisfied that the petitioner is entitled to the relief sought for.

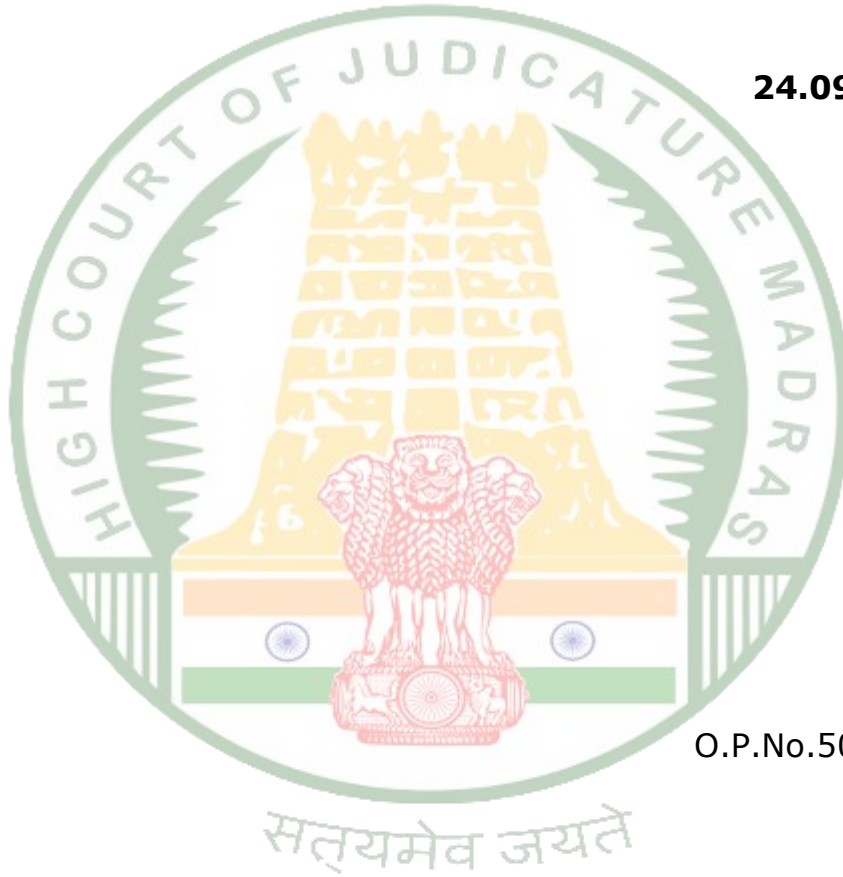
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6.The Original Petition is ordered. Grant probate of the Will in respect of the petitioner.

24.09.2021

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