

O.P.No.478 of 2021

V.PARTHIBAN.J.,

This petition has been filed under Sections 222 and 276 of 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 S.Ramalingaiya.

2.In the petition, it is stated that the deceased S.Ramalingaiya, died on 21.04.2008 at New No.113, Old No.60, Mayor Basudev Street, Old Washermanpet, Chennai – 600 021. The deceased was ordinarily residing at the said address. The deceased executed a Will dated 15.11.2000, registered as Document No.146 of 2000 in the SRO, Royapuram, Chennai. The Testatrix appointed the petitioner as the executrix of the Will. Petitioner is the son of the deceased. 1st respondent is the daughter of the deceased. 2nd respondent is the daughter-in-law of the deceased and the respondents 3 & 4 are grand children of the deceased. The wife and the parents of the deceased also predeceased him. The amount of assets which is likely to come to the petitioner's hands does not exceed in the aggregate sum of Rs.30,00,000/-

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.30,00,000/-. 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 has also obtained the consent affidavits of the respondents. The petitioner undertakes to duly administer the property and credits of the deceased S.Ramalingaiya 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.

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3.The petitioner examined himself 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 15.11.2000. Ex.P1 is the photocopy of the Sale Deed dated 21.02.1975 in favour of my father Sajja Ramalingaiah, registered as Doc.No.1194 of 1975. Ex.P2 is the photocopy of the Settlement Deed dated 16.07.1997 in favour of P.Devaki @ Nagabhushanam. Ex.P3 is the original Will executed by my father Sri Sajja Ramalingaiah on 15.11.2000 registered as Doc.No.146 of 2000 at SRO, Royapuram. Ex.P4 is the computer generated death certificate of my father S.Ramalingaiya, who died on 21.04.2008. Ex.P5 is the computer generated death certificate of my mother Mrs.S.Mallamma, who died on 02.02.2011. Ex.P6 is the consent affidavit given by the 2nd respondent. Ex.P7 is the consent affidavit given by the 3rd respondent. Ex.P8 is the consent affidavit given by the 4th respondent. Ex.P9 is the affidavit of assets showing the net value of the estate as Rs.30,00,000/-.

4.One Mrs.K.Hemavathi was examined as P.W.2. In his evidence, P.W.2 has stated that the testatrix executed his last Will and Testament on 15.11.2000 in her presence and in the presence of her father-in-law,

K.Kalahasthi. At the request of the testatrix, P.W.2 subscribed his signature as first attesting witness along with K.Kalahasthi, who attested the Will as the second 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.P10 is her affidavit in this regard.

5.From the averments made in the petition and the deposition of P.W.1 supported by documents Exs.P1 to P9, it is clear that the petitioner has proved his claim and there is no contra evidence. Hence, I am satisfied that the petitioner is entitled to the relief sought for.

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

सत्यमेव जयते

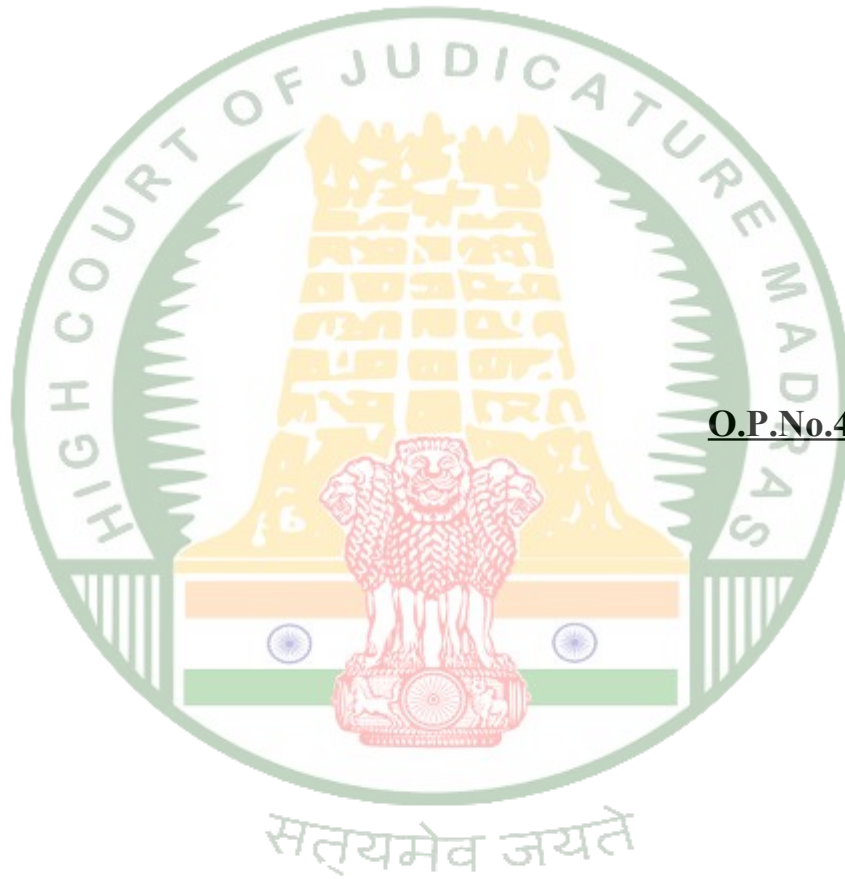
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