

O.P.No.992 of 2019**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 S.Sohanraj.

2.In the petition, it is stated that the deceased S.Sohanraj died on 15.04.2014 at 3A, Guru Shanthi Apartment, Old No.97, New No.152, Vepery High Road, Vepery, Chennai-600 007. The deceased was ordinarily residing at the said address. The deceased executed a Will dated 14.12.2001. The Testator appointed the petitioners as the executors of the Will. The first petitioner is the Son and the second petitioner is the daughter-in-law of the deceased and the petitioner's mother predeceased the Testator. Respondent is the grand son of the deceased. 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.51,63,817/- 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.51,63,817/-. The petitioner have impleaded all the next kin of the deceased and other persons interested as respondent and there is no next kin or other persons

interested to be impleaded. The petitioners have also obtained the consent affidavits of the respondent. The petitioners undertakes to duly administer the property and credits of the deceased S.Sohanraj 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 petitioners 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 himself as P.W.1 and he had narrated the averments made in the petition stating that the petitioners had filed this petition for the grant of probate in their favour in respect of the Last Will and Testament executed by the testator on 14.12.2001. Ex.P1 is the photocopy of death certificate of S.Sohanraj who died on 15.04.2004. Ex.P2 is the original unregistered Will and Testament dated 14.12.2001 executed by Sohanraj. Ex.P3 is the photocopy of the Sale Deed dated 27.04.1960. Ex.P4 is the consent affidavit given by the respondent.

Ex.P5 is the affidavit of assets showing the net value of the estate

as Rs.51,63,817/-.

4. One of the attestors of the Will dated 14.12.2001 viz., S.P.Uttam Chand was examined as P.W.2. In his evidence, P.W.2 has stated that the testator executed his last Will and Testament on 14.12.2001 in his presence and in the presence of one Mr.Ricab Raj Mehta. At the request of the testator, P.W.2 subscribed his signature as first attesting witness along with Mr.Ricab Raj Mehta, who attested the Will as the second attesting witness in the presence of the testator. While executing the Will, the testator was in a sound and disposing state of mind, memory and understanding. Ex.P6 is his affidavit in this regard.

5. From the averments made in the petition and the deposition of P.W.1 and P.W.2 supported by documents Exs.P1 to P6, it is clear that the petitioners have proved their claim and there is no contra evidence. Hence, this Court is satisfied that the petitioners are entitled to the relief sought for.

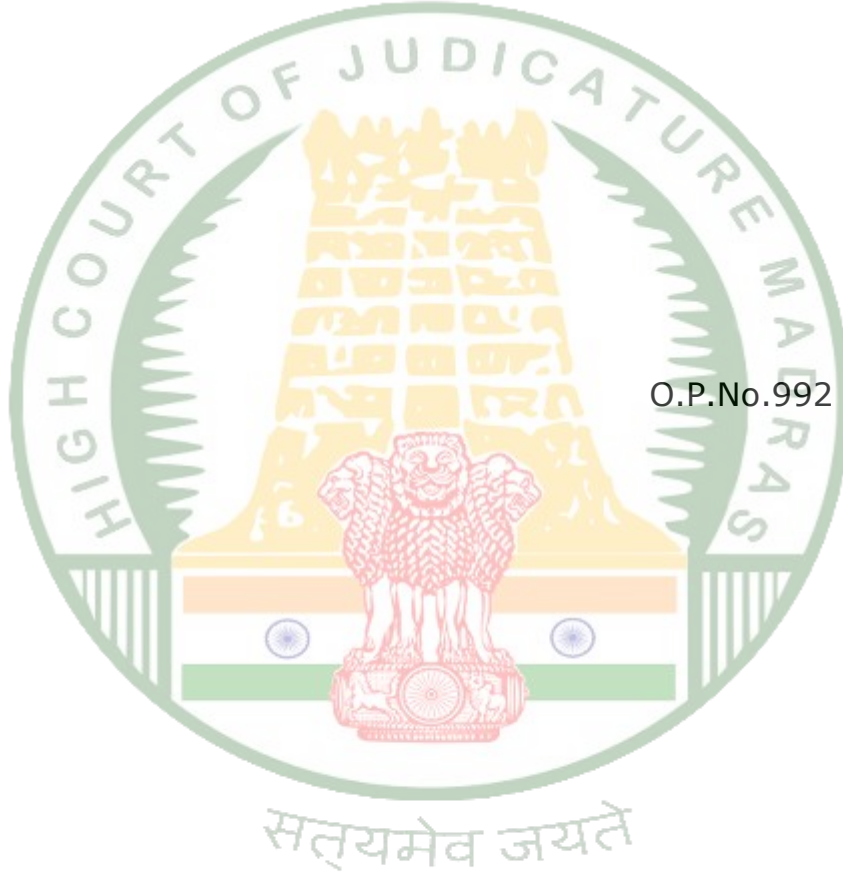
6. The Original Petition is ordered. Grant probate of the Will in respect of the petitioners.

08.10.2021

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