

O.P.No.514 of 2020**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 P.N.Meenakshi.

2.In the petition, it is stated that the deceased P.N.Meenakshi died on 15.03.2020 at Flat No.6-C, II Block, Madhuban apartments, No.25/39, Ritherdon Road, Vepery, Chennai - 600 007. The deceased was ordinarily residing at the said address. The deceased executed a Will dated 01.07.2009. The Testatrix appointed the petitioner as the executer of the Will. Petitioner is the son of the deceased and the petitioner's father predeceased the Testatrix. Respondents 1, 2 and 3 are the sisters of the deceased. 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.7,76,837.13 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.7,51,837.13. 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 P.N.Meenakshi 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 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 01.07.2009. Ex.P1 is the original Will executed his mother P.N.Meenakshi on 01.07.2009. Ex.P2 is the computer generated death certificate of his mother, who died on 15.03.2020. Ex.P3 is the computer generated Legal Heirship certificate dated 03.10.2020 in respect of his mother. Ex.P4 are the photocopies of the share certificates in The Tourist Homes Private Limited standing in the name of his mother. Ex.P5 is the photocopy of the savings bank passbook in City Union Bank, Egmore Branch,

bearing account No.500101010302995 standing in the name of his mother P.N.Meenakshi. Ex.P6 is the affidavit of assets showing the net value of the estate as Rs.7,51,837.13. Ex.P7 is the consent affidavit given by the 1st respondent stating that she has no objection in grant of Probate as prayed in the petition. Ex.P8 is the consent affidavit given by the 2nd respondent stating that she has no objection in grant of Probate as prayed in the petition. Ex.P9 is the consent affidavit given by the 3rd respondent stating that she has no objection in grant of Probate as prayed in the petition.

4. One of the attestors of the Will dated 01.07.2009 viz., T.K.Ramachandran was examined as P.W.2. In his evidence, P.W.2 has stated that the testatrix executed her last Will and Testament on 01.07.2009 in his presence and in the presence of one N.S.Venkatraman. At the request of the testatrix, P.W.2 subscribed his signature as first attesting witness along with N.S.Venkatraman, who attested the Will as the second attesting witness in the presence of the testatrix. Ex.P10 is his 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 her claim and there is no contra evidence. Hence, I am satisfied that the petitioner is entitled to the relief sought for.

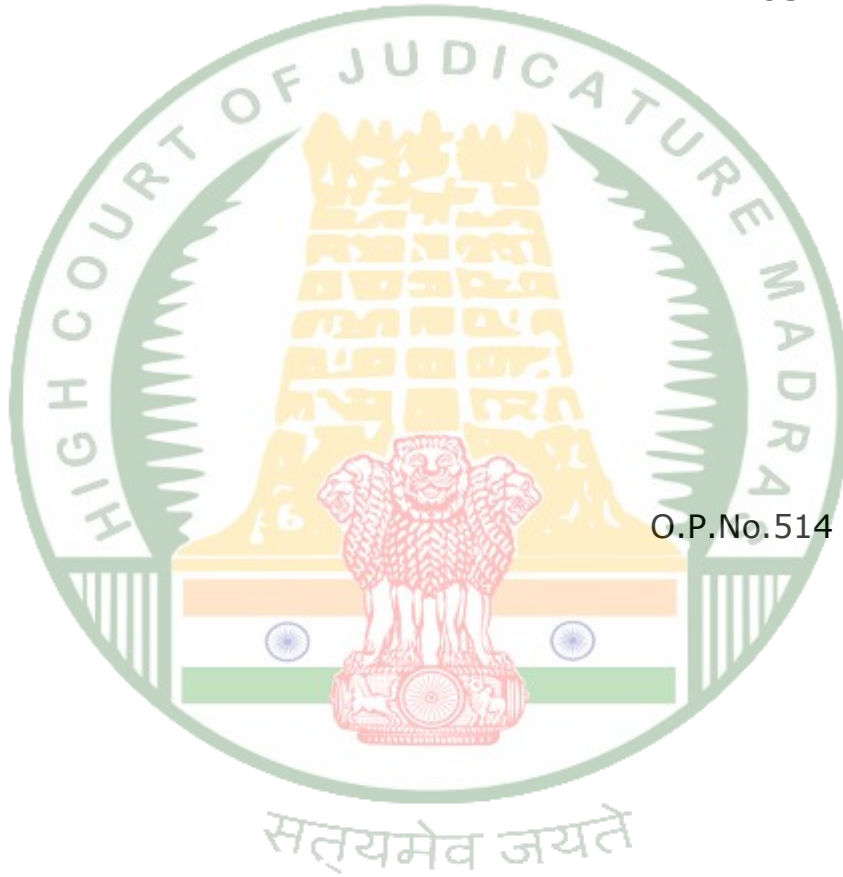
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6.The Original Petition is ordered. Grant probate of the Will in respect of the petitioner.

05.10.2021

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