



O.P.No.555 of 2022

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N.SATHISH KUMAR, 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 V.C.T.Venkatachalam Chettiar.

2. The case of the petitioner is that the petitioner is the executor under the Will. The testator V.C.T.Venkatachalam Chettiar died on 28.12.2006. The deceased executed his last Will and Testament dated 02.11.1998 while he was in sound state of mind. The first respondent is the brother's son of the petitioner and the second respondent is the son of the petitioner. The third respondent is the wife of the brother of the petitioner and the fourth respondent is the daughter of the petitioner. There is no other kin or persons interested who has to be impleaded. As per the Will executed by the testator, the schedule mentioned property has been



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bequeathed to his grand sons namely the first and second respondents herein with life interest to his Wife. The wife of the testator also died on 23.09.2017. The amount of assets which is likely to come into the petitioner's hands does not exceed in the aggregate sum of Rs.2,47,95,280/- and the net amount of the assets, after deducting all items which the petitioner is by law allowed to deduct is of the value of Rs.2,47,95,280/-. The petitioner undertake to duly administer the property and credits of the deceased V.C.T.Venkatachalam Chettiar and in any way concerning the Will by paying first his 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.

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 testator V.C.T.Venkatachalam Chettiar on



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02.11.1998. Ex.P.1 is the original Will executed by the testator. Ex.P.3 is the computer generated death certificate of the testator. Ex.P.4 is the copy of legal heirship certificate of the testator. Ex.P.4 shows that petitioner, his brother and their mother are the legal heirs of the testator. Ex.P.5 is the computer generated death certificate of brother of the petitioner, viz., V.Chidambaram. Ex.P.6 is the legal heirship certificate of V.Chidambaram. Ex.P.6 shows that the first and third respondents and the mother of the petitioner are the legal heirs of V.Chidambaram. Ex.P.7 is the computer generated death certificate of the mother of the petitioner. Ex.P.2 is the copy of the sale deed standing in the name of the testator. Ex.P.10 is the affidavit of assets showing the net value of the estate as Rs.2,47,95,280/-.

4. Mr.V.C.T.Venkatachalam, one of the attesting witness, has been examined as P.W.2. He is the second attesting witness in the Will dated 02.11.1998 executed by the testator. In his evidence, he has stated that the testator executed his last Will and Testament on 02.11.1998 in his presence and in the presence of one S.Murugappan. At the request of the testator, they have subscribed their signatures in the presence of the testator. He has



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further deposed that while executing the Will, the testator was in a sound and disposing state of mind and in his presence the attesting witnesses subscribed their signature in the Will. The affidavit of the attesting witness is marked as Ex.P.11. The evidence of P.W.1 and P.W.2 not only prove execution but also attestation of the Will and there is no other materials to suspect the Will.

5. In view of the above facts, I am of the view that the petitioner has proved the execution and attestation of the Will. Hence, the petitioner is entitled for the issuance of probate in his favour.

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

09.01.2024

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