

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(TESTAMENTARY AND INTESTATE JURISDICTION)

WEDNESDAY, THE 17TH DAY OF FEBRUARY 2021

THE HON'BLE MR. JUSTICE R.PONGIAPPAN

O.P.No.739 of 2019

In the matter of Indian Succession Act XXXIX of 1925
and

In the matter of the Last Will and Testament of N.Narasimhan (Deceased)

N.GOPALARATHNAM,
S/o.Late Shri N.Rangaswamy,
New No.20, Bandala Venugopal Street,
Triplicane, Chennai-600 005. ..Petitioners

-Vs-

1. R.SUGANTHA
W/o.Late W.S.Ramarathnam,
11, Venkatratna Nagar Extension,
Adyar, Chennai-600020.

2. N.CHAKRAPANI
S/o.Late N.Rangaswamy,
East Tank Square Street,
Triplicane, Chennai-600005.

3. N.S.PRAVEEN @ N.PRAVEEN
S/o.Late N.Sekar,
East Tank Square Street,
Triplicane, Chennai-600005.

..Respondents

Original Petition praying that this Hon'ble Court be pleased that he may be allowed to prove the Will dated 01.02.2016 of Late N.Narasimhan in common form and that probate thereof having effect throughout the State of Tamilnadu may be granted to the petitioner.

This Original Petition coming on this day before this court for hearing the court made the following order:

This petition has been filed under Sections 222 and 276 of the Indian Succession Act XXXIX, 1925, for the grant of Probate in respect of the last Will and Testament of the deceased N.Narasimhan.

2. The case of the petitioner is that the petitioner is the executor of the last Will and Testament executed by the deceased N.Narasimhan on 01.02.2016. The deceased was unmarried and his parents and three brothers N.Rangaswamy, N.Varadarajan and N.Parthasarathy pre-deceased him. The first respondent is the sole legal heir of the deceased, who is his sister. The second respondent is the nephew of the deceased N.Narasimhan and son of N. Rangaswamy (brother of the deceased N. Narasimhan); and third respondent is the grand nephew of the deceased and grand son of N.Varadarajan (another brother of the deceased N.Narasimhan). The deceased N.Narasimhan died on 15.09.2018. The deceased N.Narasimhan bequeathed his properties in favour the second and third respondents. The

amount of assets which is likely to come into the petitioner's hands does not exceed in the aggregate sum of Rs.90,00,000/- 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.89,80,000/-. The petitioner undertakes to duly administer the property and credits of the deceased N.Narasimhan 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 on 01.02.2016. Ex.P.1 is the original Will executed by the deceased N.Narasimhan. The deceased has executed the Will Ex.P.1 on 01.02.2016. Ex.P.2 is the copy of the death certificate of the deceased N.Narasimhan. Ex.P.3 is the Family card of the deceased N.Narasimhan. Ex.P.4 is the affidavit of assets showing the net value of the estate of the deceased as Rs.89,80,000/-.

4. The second respondent has been examined as R.W.1. R.W.1 has stated in his evidence that the petitioner has been appointed as an executor in the Will executed by the deceased N.Narasimhan and that he has no objection for grant of probate as prayed for in the petition. Ex.R.1 is the consent affidavit filed by R.W.1 in this regard. Ex.R.2 is the consent affidavit given by the third respondent for grant of probate as prayed for in the petition.

5. In view of the above facts, I am of the view that the petitioner has proved the execution of the Will executed by the deceased N.Narasimhan and the respondents have no objection for grant of probate as prayed for and they have also filed consent affidavits to that effect. Hence, the petitioner is entitled for the issuance of probate in favour of the petitioner.

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

WEB COPY

Sd/.R.P.A.J.
17.02.2021

//Certified to be a true copy//

Dated this the day of 2021.

SU/25.02.2021

COURT OFFICER(O.S.)

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.