

O.P.No.653 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 R.Lakshminarayanan.

2.In the petition, it is stated that the deceased R.Lakshminarayanan died on 25.11.2018 at Ground Floor,"Coronate Manor",9,Dr.Ranga Road, Mylapore, Chennai-600 004. The deceased was ordinarily residing at the said address. The deceased executed a Will dated 24.09.2018. The Testator appointed the petitioner as the executer of the Will. Petitioner is the nephew of the deceased and the petitioner's father predeceased the Testator. Respondents 1,3,4,5 and 6 are the children of brothers of the deceased and respondent 2 is the wife of the petitioner. 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.66,27,725.65 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.66,07,725.65. 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 R.Lakshminarayanan 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 testator on 24.09.2018. Ex.P1 is the original Will executed by his uncle R.Lakshminarayanan on 24.09.2018. Ex.P2 is the computer generated death certificate of his uncle, who died on 25.11.2018. Ex.P3 is the photocopy of sale deed dated 04.06.1997 registered as document no.1507/1997. Ex.P4 is the photocopy of construction agreement dated 25.02.1993 entered by L.Vijayalakshmi with

Coronet Construction. Ex.P5 is the photocopy of property tax receipt dated 20.11.2019. Ex.P6 is the computer generated water tax receipt 19.11.2019. Ex.P7 is the photocopy of encumbrance certificate dated 29.07.2020. Ex.P8 is the computer generated death certificate of L.Vijayalakshmi, who died on 15.05.2018. Ex.P9 is the computer generated legal heirship certificate dated 28.10.2018. Ex.P10 is the computer generated death certificate of R.Krishnamurthy who died on 14.02.1995. Ex.P11 is the photo copy of death certificate of K. Mohambal, who died on 21.03.2016. Ex.P12 is the computer generated death certificate of R.Sitaraman. Ex.P13 is the computer generated death certificate of R.Rajagopal. Ex.P14 is the photo copy of legal heirship certificate dated 22.07.1998 in respect of R.Krishnamurthy. Ex.P15 is the photo copy of statement of account in respect of Deepa Sekar for the period 01.09.2018 to 26.08.2020 in Indian bank, ERA Puram Branch, Chennai bearing account No.458620070. Ex.P16 is the computer generated statement of account in respect of Deepa Sekar for the period of 01.09.2018 to 25.08.2020 in Canara Bank, Chennai St Mary Road bearing account No.1287101003626. Ex.P17 is the photo copy of savings bank account in State Bank of Mysore, Abhiramapuram Branch, bearing account No.54008566329 held by R.Lakshminarayanan. Ex.P18 is the computer generated circular issued by Commissioner of Revenue Administration regarding

issuance of Legal Heirship Certificate dated 09.08.2017. Ex.P19 is the computer generated guideline value in respect of the schedule mentioned property in the petition. Ex.P20 is the affidavit of assets showing the net value of the estate as Rs.66,07,725.65.

4.One of the attestors of the Will dated 24.09.2018 viz., S.Kumar was examined as P.W.2. In his evidence, he had stated that the testator executed his last Will and Testament on 24.09.2018 in his presence and in the presence of one S.Sadasivam. At the request of the testator, P.W.2 subscribed his signature as second attesting witness along with S.Sadasivam, who attested the Will as the first attesting witness in the presence of the testator. Ex.P21 is affidavit of P.W.2.

5.Another attester of the Will dated 24.09.2018 viz., S.Sadasivam was examined as P.W.3. In his evidence, he had stated that the testator executed his last Will and Testament on 24.09.2018 in the presence of S.Kumar and in his presence. At the request of the testator, P.W.3 subscribed his signature as first attesting witness along with S.Kumar, who attested the Will as the second attesting witness in the presence of the testator. Ex.P22 is affidavit of P.W.3.

6.Mr.K.Prabhakar, fourth respondent herein examined himself as R.W.1 and marked the exhibits. Ex.R1 is his consent affidavit stating that I have no objection in grant of probate as prayed in the petition. Ex.R2 is the consent affidavit given by the first respondent herein stating that he has no objection in grant of probate as prayed. Ex.R3 is the consent affidavit given by the second respondent herein stating that she has no objection in grant of probate. Ex.R4 is the consent affidavit given by the third respondent herein stating that he has no objection in grant of probate. Ex.R5 is the consent affidavit given by the fifth respondent herein stating that he has no objection in grant of probate. Ex.R6 is the consent affidavit given by the sixth respondent herein stating that she has no objection in grant of probate.

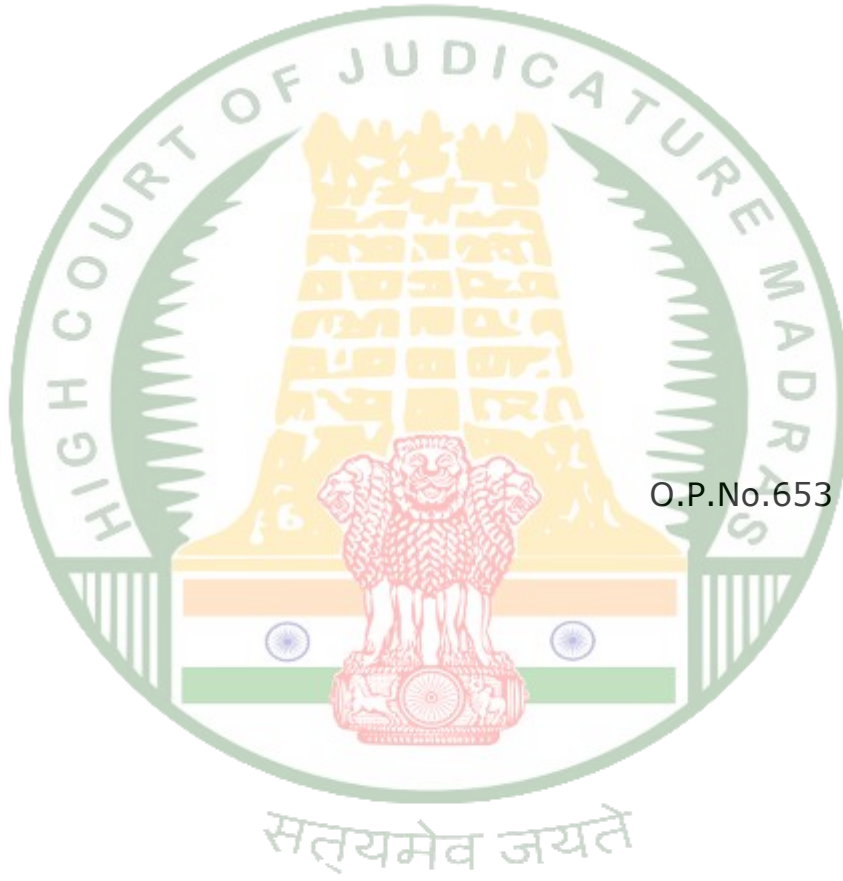
7.From the averments made in the petition and the deposition of P.W.1 supported by documents Exs.P1 to P22, it is clear that the petitioner has proved his claim and there is no contra evidence. Hence, I am satisfied that the petitioner is entitled to the relief sought for.

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

06.09.2021

V.PARTHIBAN.,J.

mrm



O.P.No.653 of 2020

WEB COPY 06.09.2021