



O.P.No.660 of 2021

**O.P.No.660 of 2021**

**ABDUL QUDDHOSE, J.**

This petition has been filed for grant of probate.

2. The petitioner is the brother's son of the testatrix P.Nagabooshanam who died on 04.05.2021 leaving behind a Will dated 25.11.2020 in which the petitioner is a beneficiary and executor. Under the Will, there are two attesting witnesses, namely Alen Benziger Gregory and V.Ponmani. The testatrix P.Nagabooshanam died issueless and her husband Dr.K.P.Krishna Shetty also predeceased her on 27.04.2005. The parents and the brother who is the father of the petitioner herein, of the testatrix P.Nagabooshanam also predeceased her.

3. Before the learned Master, the petitioner was examined as a witness (PW1). In his deposition, he reiterated the contents of the petition filed in support of O.P.No.660 of 2021. Through PW1, the following documents were marked as exhibits:

| Exhibits | Nature of document                                                                   |
|----------|--------------------------------------------------------------------------------------|
| P1       | Computer generated death certificate of P.Nagabooshanam who died on 04.05.2021       |
| P2       | Computer generated death certificate of Dr.K.P.Krishna Shetty who died on 27.04.2005 |
| P3       | Original Will dated 25.11.2020 executed by                                           |



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| Exhibits | Nature of document                                                                                                                                                                                                                |
|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|          | P.Nagabooshanam                                                                                                                                                                                                                   |
| P4       | Photocopy of the sale deed dated 08.12.1989 executed in favour of P.Nagabooshanam                                                                                                                                                 |
| P5       | Photocopy of the Savings bank account in Canara Bank, Mandavelipakkam branch bearing account No.0937101018677 standing in the name of Nagabooshanam                                                                               |
| P6       | (series 2Nos.) photocopies of the savings bank account in State Bank of India, Chepauk Branch bearing account No.10067603804 standing in the name of P.Nagabooshanam along with fixed deposit receipt bearing CIF.No.8005320761-1 |
| P7       | Photocopy of the Registration Certificate of the Car bearing No.TN06-J-6017                                                                                                                                                       |
| P8       | Computer generated patta bearing No.258 (Kolathur Village, Pallipet Taluk, Thiruvallur District) issued by the Revenue Authorities                                                                                                |
| P9       | Affidavit of assets showing the net value of the estate as Rs.1,58,12,438/-                                                                                                                                                       |

4. One of the attesting witnesses namely Alex Benziger Gregory was also examined as PW2. In his deposition, he has deposed that he knows the testatrix P.Nagabooshanam. He has also deposed that her husband was an Advocate and he was his senior. He has also deposed that he only drafted Ex.P4 sale deed dated 08.12.1989. He has also deposed that P.Nagabooshanam had signed and executed the subject Will dated 25.11.2020 only in his presence and in the presence of other attesting witness, in a sound and disposing state of mind, memory and understanding. He has also filed his affidavit in support of his deposition



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which has been marked as Ex.P10.

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5. As seen from the evidence available on record, it is clear that the testatrix P.Nagabooshanam died issueless on 04.05.2021 as seen from the death certificate which has been marked as Ex.P1. Her husband Dr.K.P.Krishna Shetty also predeceased her on 27.04.2005 as seen from his death certificate Ex.P2. The Original Will dated 25.11.2020 executed by the testatrix P.Nagabooshanam in which the petitioner is the beneficiary has been marked as Ex.P3. Ex.P4 is a sale deed dated 08.12.1989 standing in the name of P.Nagabooshanam, Ex.P5 is the Saving Bank account details standing in the name of P.Nagabooshanam in Canara Bank, Mandaveli Branch, Ex.P6 is the Saving Bank account and Fixed deposit details in State Bank of India, Chepauk Branch standing in the name of P.Nagabooshanam, Ex.P7 is the photocopy of the Registration Certificate of the Car bearing No.TN06-J-6017 standing in the name of P.Nagabooshanam and Ex.P8 is a computer generated Patta bearing No.258 (Kolathur Village, Pallipet Taluk, Thiruvallur District) issued by the Revenue Authorities standing in the name of P.Nagabooshanam are all the subject matter of the Will dated 25.11.2020 executed by the testatrix P.Nagabooshanam in which the



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petitioner is the beneficiary.

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6. After giving due consideration to the pleadings and evidence available on record, this Court is inclined to grant probate in favour of the petitioner. Accordingly, this Original Petition is allowed as prayed for.

7. Registry is directed to grant Probate in respect of the said Will in favour of the petitioner. As undertaken by the petitioner in the petition, the petitioner shall duly administer the properties and credits of the deceased P.Nagabooshanam in any way concerning her Will by paying first her debts and the legacies therein bequeathed so far as the assets will extent and to make full and true inventory thereof and exhibit the same before this Court within six months from the date of issuance of Probate by the Registry of this Court and also to render before this Court a true and proper account of the said properties and credits within one year from the date of issuance of Probate by the Registry of this Court.

23.12.2021

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**ABDUL QUDDHOSE, J**

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