

**O.P.No.16 of 2022****C.V.KARTHIKEYAN, J.**

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Service completed.

2.The petition filed seeking Probate of Will dated 13.06.2018 executed by Mr.E.V.Viswanathan, who died on 14.08.2019. His wife had pre-deceased him and died on 28.12.2017. His father and mother had died on 18.02.2005 and 12.11.2007 respectively.

3.It is stated that he did not have any issues as Class I legal heirs. He had created a Trust viz., the 1st respondent trust/Sri Viswadharmar Religious and Social Trust. The trustee is now his elder brother E.V.Sundaram/the 1st petitioner. The 2nd to 4th respondents are beneficiaries under the Will.

4.Evidence was directed. During evidence, the Trust Deed was marked as Ex.P1 and the Amendment to the Trust Deed was marked as Ex.P5. The original Will dated 13.06.2018, was marked as Ex.P2. The death certificates of E.V.Viswanathan and his wife Dharmambal were marked as Exs.P3 and P4. The affidavits of 2nd to 5th petitioners relinquishing their right to Act as executors were marked as Exs.P10 to



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O.P.No.16 of 2



C.V.KARTHIKEYAN, J.
KP

P13. The affidavit of the 1st petitioner, consenting to act as executor was marked as Ex.P14. The affidavits of 2nd to 6th respondents granting consent for grant of Probate of Will was marked as Exs.P16 to P20.

5. Thereafter, Mr.N.S.Kasthurirangan was examined as PW2, he was stated that he was one of the attesting witnesses along with Dr.T.S.Gopinath. He identified the Will and the signatures and also stated that the testator Mr.E.V.Viswanathan was in a sound and disposing state of mind at the time of execution of the Will, which was marked as Ex.P21.

6. In view of the same, the Original Petition stands allowed. Probate is granted.

28.09.2022

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O.P.No.16 of 2022