



O.P.No.426 of 2020

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KRISHNAN RAMASAMY.J,

This petition has been filed under Sections 232 and 276 of the Indian Succession Act, 1925 read with Order XXV, Rule 5 of O.S. Rules, for the grant of Probate in respect of the last Will and Testament of the deceased Mrs.Neela Subramanian.

2.In the petition, it is stated by the petitioner that the Testatrix Mrs.Neela Subramanian executed her last Will and Testament on 07.04.2009 and thereafter, she passed away on 27.12.2019. The parents and husband of the deceased Mrs.Neela Subramanian predeceased her and she died without any issues. The Testatrix Mrs.Neela Subramanian has two brothers. The first respondent namely T.Santhanam, is one of the brother of Testatrix and an another brother of the Testatrix namely T.Karthikeyan had passed away and his legal heirs are impleaded as the respondents 4, 5 & 6. As per the Will, the petitioner is the sole executor and beneficiary and the other beneficiaries under the Will are the respondents 1 to 3. The first



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respondent is a bachelor and therefore, the Testatrix has given life interest in her estate to the first respondent and thereafter, an absolute right over the property was granted to the respondents 1 to 3. The respondents 1 to 3 have given their consent affidavits, expressing their no objection for probate of the Will. The total amount of the assets will be for a sum of Rs.60,00,000/-.

3. It is further stated that so far 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 the property and credits of the deceased Mrs.Neela Subramanian.

4.In order to prove the Will, the petitioner herein is examined as PW.1 and marked Exhibits P1 to P8. Ex.P1 is the original unregistered Will dated 07.04.2009 executed by Mrs.Neela Subramanian. Ex.P2 is the computer generated death certificate of Mrs.Neela Subramanian. Ex.P3 is the computer generated death certificate of T.Karthikeyan. Ex.P4 is the photocopy of the property tax receipt standing in the name of Mrs.Neela



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Subramanian. Ex.P5 is the consent affidavit given by the first respondent.

Ex.P6 is the consent affidavit given by the second respondent. Ex.P7 is the consent affidavit given by the third respondent. The respondents 4 to 6 have been set *ex-parte* vide order of this Court dated 21.03.2022. Ex.P8 is the affidavit of assets showing the net value of the estate as Rs.60,00000/-.

5.One of the attestors of the Will dated 07.04.2009, viz., Mr.R.Rengarajulu died on 12.04.2019. Therefore, an affidavit of the attester Mr.J.Venkatesan, who was examined by the Advocate Commissioner, has been filed stating that he was present alongwith Mr.R.Rengarajulu at the time of execution of the Will by the deceased Mrs.Neela Subramanian and he was well acquainted with the signature of the said deceased Mrs.Neela Subramanian. At the time of executing the Will, the Testatrix was in a sound and disposing state of mind and not affected by any illness.

6.In the light of the averments made in the petition and the deposition of P.Ws.1 supported by documents Exs.P1 to P8, it is clear that the



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petitioner has proved the Will and there is no contra evidence. Hence, I am satisfied that the petitioner is entitled to the relief sought for.

7. Accordingly, the Original Petition is ordered. Grant probate of the Will in respect of the petitioner.

30.08.2022

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