



O.P.No.761 of 2021

C.V.KARTHIKEYAN, J.

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The Original Petition has been filed, seeking grant of probate of a Will dated 29.03.2012, registered as Document No.35/2012, in the Office of the Sub Registrar at Mylapore, Chennai, executed by P.Kanthimathi, who died on 27.02.2019. She was the paternal aunt of the petitioner.

2. The petitioner is the named executor and also a beneficiary under the Will. The respondent is also a beneficiary under the Will.

3. After following due procedure, the parties were directed to tender evidence.

4. The petitioner herein examined himself as P.W.1. The Death Certificate of P.Kanthimathi was marked as Ex.P1 and the original registered Will, dated 29.03.2012 was marked as Ex.P2. The husband of the testatrix had predeceased her and his Death Certificate and Legal Heirship Certificate were marked as Exs.P3 and P4. The consent affidavit of the respondent was marked as Ex.P5. One of the attesting witnesses S.Mahadevan, was said to be alive, at the time of filing the petition but died, before numbering the petition. He has filed his affidavit along with this petition and his affidavit has been marked as Ex.P6.

5. To speak about the signature, the petitioner examined P.W.3, Badri Krishnaswamy, who identified the signatures of S.Mahadevan in the Will, Ex.P2 and also in the affidavit Ex.P6. His affidavit was marked as



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Ex.P9.

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6. To further prove attestation, the petitioner had also examined P.W.2, C.J.Sathish Kumar, who was the second attesting witnesses. He also affirmed and identified the Will and also stated that he and the other attesting witness and the testatrix signed, in the presence of each other. He also stated that the testatrix was in a sound and disposing state of mind at the time of execution of the Will.

7. In view of the evidence presented, the Original Petition stands allowed. Probate is granted.

10.11.2022

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