



O.P. No. 488 of 2021

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C.V.KARTHIKEYAN, J.

The Testatrix, B.Banumathy died on 26.09.2019 as a spinster and she had executed a Will dated 11.07.2019 and the said Will had been registered as Document No. 30 of 2019 in the office of the Sub-Registrar, Purasawalkam, Chennai. Since she died as a spinster, her brothers and sisters are before this Court seeking probate of the Will. She has named the petitioner, her sister B.Kirthika, PW-1 as the Executor of the Will. The respondents are other brothers and sisters. The second respondent viz., B.Rengarajan, one of the brothers had decided to abstain from appearing before this Court and had been set exparte. The other respondents have filed their consent affidavits. This petition has been filed seeking probate of the said Will.

2. The petitioner examined herself as PW-1. The Will dated 11.07.2019 was marked as Ex.P1. The death certificate of B.Banumathy was marked as Ex.P2. The parents and another brother of the Testatrix



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had pre-deceased her and their death certificates were marked as Ex.P4, Ex.P5, Ex.P6. The death certificate of R.Kumar, husband of the 5th respondent was also marked as Ex.P10. The legal heirship certificate of the mother, viz., B.Savithri was marked as Ex.P9. The consent affidavits of the respondents 1,3,4,5,6 and 7 were marked as Ex.P16 to Ex.P21.

3. To further prove the Will, the petitioner also examined PW-2, Mr. K.Chandrasekar and PW-3, Mrs. T.S.Prathima, who stated that B.Banumathy signed the Will in their presence and they also signed as attesting witnesses in Ex.P1. They also affirmed the signatures in the Will and stated that B.Banumathy was in a sound and disposing state of mind, when Ex.P1 was executed. Their affidavits were marked as Ex.P22 and Ex.P.23.

4. In view of the evidence produced, the probate of the Will is granted as prayed. This petition stands allowed.

20.09.2022

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Dated : 20.09.2022