



O.P.No.129 of 2022

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KRISHNAN RAMASAMY.J,

This petition has been filed under Sections 222 and 276 of the Indian Succession Act, 1925 read with Order XXV, Rule 4 of O.S. Rules, for the grant of Probate in respect of the last Will and Testament of the deceased Mr.S.V.D.Ayyer.

2.In the petition, it is stated by the petitioner that the petition scheduled property was absolutely owned and possessed by the Testator namely Late.S.V.D.Ayyer, who died on 25.12.2013 leaving behind him the respondents 1 and 2 as his legal heirs. His first wife Mrs.Pattammal and his second wife Mrs.Jayalakshmi had predeceased him. The respondents 1 and 2 are the children of the Testator born through his first wife and no children were born through his second wife. During his life time, the Testator executed a Will on 19.08.2013 in the presence of the witnesses and the same was registered as document no.16/2013. By virtue of the Will, the Testator bequeathed the schedule property to his great grand son, the 6th respondent



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herein residing at Door no.1, Yusuf Lane, Arunachala Achri Street, Chepauk, Chennai-05 who is the son of S.C.Balaji. In the said Will and Testament, the deceased has entrusted the life interest to Mrs.S.Chandra, the petitioner/Executant, 3rd respondent, 4th respondent, 5th respondent herein, out of the above stated beneficiaries Mrs.S.Chandra got demised on 23.01.2021 at Chennai. The petitioner, who is also one of the beneficiary was appointed as Executor under the Will. One of the witness to the Will named K.Kandsamy had demised on 02.03.2018. The respondents 3 to 5 are the grandsons of the Testator and sons of the first respondent herein. The respondents 1 to 6 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.42,12,500/-.

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 S.V.D.Ayyer.



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4. In order to prove the Will, the petitioner herein is examined as PW.1 and marked Exhibits P1 to P12. Ex.P1 is the original registered Will dated 19.08.2013 executed by Shridaram Venkatachala Dhanavendra Iyer @ S.V.D.Ayyer, registered as Doc no.16 of 2013 before the SRO, Tiruvallicane. Ex.P2 is the computer generated death certificate of S.V.D.Ayyer. Ex.P3 is the computer generated death certificate of S.C.Chandra. Ex.P4 is the computer generated death certificate of K.Kandasamy. Ex.P5 is the photocopy of the Sale Deed dated 21.06.1990. Ex.P6 is the affidavit of assets showing the net value of the estate as Rs.42,12,500/-. Ex.P7 is the consent affidavit given by the first respondent. Ex.P8 is the consent affidavit given by the second respondent. Ex.P9 is the consent affidavit given by the third respondent. Ex.P10 is the consent affidavit given by the fourth respondent. Ex.P11 is the consent affidavit given by the fifth respondent. Ex.P12 is the consent affidavit given by the sixth respondent.

5. One of the attestors of the Will dated 19.08.2013, viz., Mr.K.Kulathumani, is examined as P.W.2 and marked Ex.P13, which is his



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affidavit. In his evidence, he has stated that he was working as a Cook in the company run by the Testator Mr.S.V.D.Ayyer. The Testator executed his last Will and Testament in his presence and in the presence of Mr.K.Kandasamy. At the time of executing the Will, the Testator 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 and 2 supported by documents Exs.P1 to P13, it is clear that the 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.

14.07.2022

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