

**O.P.No.462 of 2019****C.V.KARTHIKEYAN, J.,**

This petition has been filed under Order XXV Rule 4 of O.S.Rules read with Section 222 and 276 of Indian Succession Act,1925 for the grant of Probate in respect of the last Will executed by R.Neelakandan, who died on 13.06.2017 and who had executed a Will dated 24.03.2014.

2. The petitioner is the widow of R.Neelakandan. The first and second respondents are his son and daughter. The son had given his consent but the daughter, owing to various issues, was served but did not appear and had been set ex-parte.

3. The petitioner examined herself as PW-1 and marked the death certificate of Neelakandan under Ex.P-1, the legal heirship certificate is marked as Ex.P-2 and the original Will as Ex.P-3. The consent affidavit of the first respondent was marked as Ex.P-5.



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4. One of the attesting witnesses Mrs.Guruvayurappan was examined as PW-2. She affirmed that she had signed as an attesting witness in Ex.P-3/Will of R.Neelakandan and she further affirmed that R.Neelakandan was in a sound and disposing state of mind memory and understanding. She also stated that the other attesting witness Mrs. Vimala was no more. The consent affidavit of PW-2 was marked as Ex.P-7.

5. In view of these facts, which do not stand controverted, this Original Petition is allowed.

09.09.2022

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