



O.P.No.506 of 2021

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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.V.Natarajan.

2.In the petition, it is stated by the petitioner that the Testator/husband, died on 28.01.2006 at Door No.6/32, Somaiah Raja Street, Agaram, Chennai-82. He possessed the property within the jurisdiction of this Court. During his life time, the Testator executed a Will dated 09.06.2005 and registered as document No.71 of 2005 at the Office of the Sub Registrar, Sembium. The Testator has appointed his wife as the Executor in the Will dated 09.06.2005. The petitioner is the wife, the respondents 1, 2 and 3 are the children, 4th respondent is the daughter-in-law and 5th and 6th respondents are grand son and grand daughter of the deceased/V.Natarajan. The respondents have given their consent affidavits,



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expressing their no objection for probate of the Will. The total amount of the assets will be for a sum of Rs.40,00,000/-.

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 Mr.V.Natarajan.

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 09.06.2005 executed by V.Natarajan. Ex.P2 is the original death certificate of V.Natarajan. Ex.P3 is the original Legal Heirship certificate in respect of V.Natarajan. Ex.P4 is the computer generated death certificate of N.Ashok Kumar. Ex.P5 is the original Legal Heirship certificate in respect of N.Ashok Kumar. Ex.P6 is the affidavit of assets showing the net value of the estate as Rs.40,00,000/-. Ex.P7 is the copy of paper publication effected in one issue of Tamil daily “Dhina Malar” dated 23.06.2022. Exs.P8 to P12 are the consent affidavits given by the respondents 2 to 6.



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5. One of the attestors of the Will dated 09.06.2005, viz., Mr.K.S.Elangovan, is examined as P.W.2 and marked Ex.P13, which is his affidavit. In his evidence, he has stated that he is a family friend of the Testator. The Testator executed his last Will and Testament in his presence and in the presence Mr.K.Chandran. 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.

12.07.2022

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