



O.P.No.174 of 2022

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WEB C.V.KARTHIKEYAN,J.

This Original Petition has been filed taking advantage of Sections 222 and 276 of the Indian Succession Act, 1925 seeking grant of probate of the Will dated 31.03.2012 executed by the T.R.Rajagopal, who died on 17.11.2020. His wife and mother had pre-deceased him. He had no children. The first respondent is his elder brother. His sisters had also unfortunately pre-deceased him. The 2nd/5th respondents are the children of the said sisters. The respondents had been served and they had also filed their consent affidavits.

2. After following due procedure the petitioner was directed to tender evidence. The petitioner was the executor named under the Will. The petitioner examined himself as P.W.1. The original Will dated 31.03.2012 was marked as Ex.P.1 and the death certificate of T.R.Rajagopalan was marked as Ex.P2. The consent affidavits of the 1st, 2nd, 3rd, 4th & 5th respondents were marked as Exs.P3 to P7 respectively. The affidavits of the attesting witness were marked as Exs.P8 to P11 respectively. The documents relating to the holdings in the name of the T.R.Rajagopal were marked as Ex.P27 and the affidavits of assets was marked as Ex.P.28.

3. Thereafter, the petitioner also examined as P.W.2, Mrs.Lalita who is



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a 3rd party and who identified the Will and also spoke about the execution of the Will. The petitioner also examined as P.W.3, Udai Sha who is one of the attesting witnesses. He also identified the Will and stated that he and the other attesting Witnesses and also the executors signed at the same time and that the executor was in a sound and disposing state of mind at the time of the execution of the Will. His affidavit was marked as Ex.P10.

4. In view of the above evidence adduced, this Original Petition is allowed. Issue Probate as prayed for is granted.

14.10.2022

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