



O.P.No.540 of 2021

O.P.No.540 of 2021

WEB COPY

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.R.Ram Mohan

2.In the petition, it is stated by the petitioner that the deceased Mr.R.Ram Mohan, died as a bachelor on 28.01.2020 at No.40/168, Venkatrangam Street, Triplicane, Chennai- 600 005. During his life time, the deceased executed a Will dated 20.12.2019. As per the Will, the 7th Respondent Ms.R.Aruna is the sole beneficiary and the Petitioner was appointed as sole executrix of the will. The testator of the will passed away unmarried and his parents pre deceased him. Therefore, the Petitioner as well as the respondents who are the sisters and brothers of the deceased are the Class II legal heirs of the deceased Mr.Ram Mohan. Except the 1st respondent all other respondents have given their consent affidavits,



O.P.No.540 of 2021

expressing their no objection for probate of the Will. Despite service, none appeared on behalf of the 1st respondent and therefore the 1st respondent was set exparte on 17.06.2022. The total amount of the assets will be for a sum of Rs.26,68,358/-.

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.Ram Mohan.

4. In order to prove the Will, the petitioner herein is examined as PW.1 and marked Exhibits P1 to P11. Ex.P1 is the original Will dated 20.12.2019 executed by deceased Mr.R.Ram Mohan. Ex.P2 is the computer generated death certificate of Mr.R.Ram Mohan. Ex.P3 is the computer generated death certificate of R.Rajyalakshmi. Ex.P4 is the photocopy of the Legal Heirship certificate in respect of R.Hari Sarma(compared with original). Ex.P5 is the consent affidavit given by the 2nd respondent. Ex.P6 is the consent affidavit given by the 3rd respondent. Ex.P7 is the consent affidavit



O.P.No.540 of 2021

given by the 4th respondent. Ex.P8 is the consent affidavit given by 5th respondent. Ex.P9 is the consent affidavit given by the 6th respondent. Ex.P10 is the consent affidavit given by 7th respondent .

5. One of the attestors of the Will dated 20.12.2019, viz., Mr.S.Aditya Sarma is examined as P.W.2 and marked Ex.P12, which is his affidavit. In his evidence, he has stated that the deceased Mr.Ram Mohan is his brother-in-law. The Testator executed his last Will and Testament in his presence and in the presence of one Mr.R.S.Mani. 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 P12, 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.



WEB COPY



O.P.No.540 of 2021

KRISHNAN RAMASAMY.J,

arr

8. Accordingly, the Original Petition is ordered. Grant probate of the Will in respect of the petitioner.

13.07.2022

arr

O.P.No.540 of 2021



WEB COPY



O.P.No.540 of 2021