



O.P.No.774 of 2021

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WEB C.V.KARTHIKEYAN,J.

This Original Petition has been filed taking advantage of Sections 222 & 276 of the Indian Succession Act, 1925, seeking probate of the will dated 26.02.2014 executed by SP. ST. Palaniappan, who died in a road accident on 03.03.2014. The petitioners are the joint executors of the Will.

2. The deceased SP.ST. Palaniappan is the father of the 1st, 2nd & 3rd respondents and the father in law of the 4th respondent and the grandfather of the 5th & 6th respondents, who had been impleaded since his daughter had predeceased him and had died on 24.06.2009.

3. After following due procedure, the petitioners were invited to adduce evidence. The first petitioner examined himself as P.W.1. The original Will dated 26.02.2014 was marked as Ex.P.1. The death certificate of SP.ST. Palaniappan was marked as Ex.P2 and his legal heirship certificate was marked as Ex.P.3. The consent affidavits of the 1st, 4th, 5th & 6th respondents were marked as Exs.P.9 to Ex.P.12. Though notices had been served on 2nd & 3rd respondents, they had taken a conscious decision not to participate in the judicial proceedings or also not to raise any objection.

4. Thereafter, the petitioner also examined S.Thyagarajan as P.W.2, who was one of the attesting witnesses. He identified the Will Ex.P.1 and



O.P.No.774 of 2021

C.V.KARTHIKEYAN,J.

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claimed that it was signed in his presence and in the presence of the other attesting witnesses. He further stated that at the time of the execution of the Will, SP.ST. Palaniappan was in a sound and disposing state of mind. His affidavit was marked as Ex.P.30.

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

14.10.2022

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O.P.No.774 of 2021