



O.P.No.738 of 2019

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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 Anna Wilhemine Elizabeth also known as Anna Elizabeth Hazari.

2.In the petition, it is stated by the petitioner that the testatrix Anna Elizabeth Hazari, died on 24.06.2014 at her residence at Old No.34/2, New No.37/2, Beach Home Avenue, 1st Street, Besant Nagar, Chennai – 600 090. During her life time, the deceased executed a Will, dated 13.05.2014 and the petitioner herein was appointed as Executrix to the Will dated 13.05.2014, as she is the daughter-in-law of the testatrix. The petitioner/daughter-in-law of the testatrix and the respondent, who is the son of the petitioner herein, are the only surviving legal heirs of the deceased Anna Elizabeth Hazari. The respondent has given their consent affidavit, expressing his no objection for probate of the Will. The total amount of the assets will be for a sum of Rs.35,00,000/-.



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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 Anna Wilhemine Elizabeth also known as Anna Elizabeth Hazari.

4. In order to prove the Will, the petitioner herein is examined as PW.1 and marked Exhibits P1 to P7. Ex.P1 is the computer generated death certificate of Michael Marwah. Ex.P2 is the computer generated death certificate of Anna Elizabeth Hazari. Ex.P3 is the computer generated Legal Heirship Certificate in respect of Michael Marwah. Ex.P4 is the original unregistered Will dated 13.05.2014 executed by Mrs.Anna Wilhemine also known as Anna Elizabeth Hazari. Ex.P5 is the photocopy of the Sale Deed dated 22.07.2002 executed by Meenakshi Tyagarajan in favour of Anna Elizabeth Hazari, registered as Doc.No.3605 of 2002 before the office of the District Registrar, Madras South. Ex.P6 is the consent affidavit given by the respondent. Ex.P7 is the affidavit of assets showing the net value of the estate as Rs.34,99,000/-.



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5. One of the attestors of the Will dated 13.05.2014, viz., Mr.A.Liju, is examined as P.W.2 and marked Ex.P8, which is his affidavit. In his evidence, he has stated that he was worked as a Driver to the testatrix. The Testatrix executed her last Will and Testament in his presence and in the presence of his brother. At the time of executing the Will, the Testatrix 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 P8, 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.

05.07.2022

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