

**O.P.No.386 of 2022****C.V.KARTHIKEYAN, J.,**

This Petition has been filed seeking probate of a Will dated 30.03.1994 executed by Sengeni Pillai, who died on 23.02.1999.

2. The petitioner is the adopted son and the respondents are son and daughter of the petitioner. The mother of the petitioner Mrs. Nagarathinammal had been granted life interest in the property under the Will. She had died on 06.06.1999. The death certificate had been filed by the petitioner along with the Original Petition but the same had not been marked as exhibit by the learned Master. The said death certificate is now marked Ex.P-9.

3. The petitioner had produced the registered Will dated 30.03.1994 and marked it as Ex.P-1. The death certificate of Sengeni Pillai was marked as Ex.P-2 and the legal heirship certificate was marked as Ex.P-3. The consent affidavits of the first and second respondents were marked as Exs. P-5 and P-6. The petitioner then examined R.Chittibabu as PW-2. He was one of the attesting witness. The petitioner also examined Mrs. C.Gowri as PW-3, who was the other attesting witness. Both the attesting witness affirmed Ex.P-1



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Will and also stated that they signed in the presence of Sengeni Pillai, who also signed in their presence. They both stated that Sengeni Pillai was in a sound state of mind at the time of executing the Will. The affidavit of PW-2 R.Chittibabu was marked as Ex.P-7 and the affidavit of PW-3 C.Gowri was marked as Ex.P-8.

4. As stated, during the course of hearing of this matter, the death certificate of Nagarathnammal was marked as Ex.P-9.

5. In view of the evidence produced, the probate of the Will executed by Sengeni Pillai is granted and this Original Petition is allowed as prayed for.

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02.11.2022

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