



O.P.No. 39 of 2022

KRISHNAN RAMASAMY.J,

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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.S.Narasimhan.

2.In the petition, it is stated by the petitioner that the deceased Mr.S.Narasimhan, died on 21.02.2021 at New Door No.1, Old Door no.1-A, Cart Track Road, North Usman Road, T.Nagar, Chennai 600017. During his life time, the said deceased executed a last Will and Testament dated 15.04.2010 at his residence, New Door No.1, Old Door no.1-A, Cart Track Road, North Usman Road, T.Nagar, Chennai 600017, in the presence of two witnesses. The witnesses are no more and hence a Third Party affidavit of Mr. N.Sridharan, the brother-in-law of the deceased had been filed.

3. It is further stated that the Testator has appointed the petitioner as the sole executor to the Will dated 15.04.2010. The petitioner is the sister-in-law of the deceased. The parents of the deceased Mr. S.Narasimhan died much earlier. Hence, it



is only the petitioner is the sole legatee under the said Will entitled to the estate of the said deceased and there is no other legal heir to be impleaded as his wife Smt.

Kanakavalli died intestate much earlier on 06.07.2008.

4. It is stated that the petitioner has impleaded all the next of kin or other persons interested as party/respondents and there is no next of kin or other persons interested to be impleaded. The total amount of the assets will be for a sum of Rs.20,00,000/- after deductions.

5. It is also stated that the petitioner has undertaken to duly administer the property and credits of the deceased Mr.S.Narasimhan, any way concerning his Will by paying first his debts and the legacies therein bequeathed and so far as the assets will extend and to make a full and true inventory thereof and exhibit the same in this Court within six months from the grant of Probate with the Will annexed to the petitioner and also to render to this Hon'ble Court a true and proper account of the said properties and credits within one year from the said date.

<https://www.mhc.tn.gov.in/judis> 6 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.S.Narasimhan.

7.In order to prove the Will, the petitioner herein is examined as PW.1 and marked Exhibits P1 to P5. Ex.P1 is the computer generated death certificate of S.Narasimhan dated 21.02.2021. Ex.P2 is the photocopy of the death certificate of N.Kanakavalli dated 08.08.2008. Ex.P3 is the original Will dated 15.04.2010 executed by S.Narasimhan. Ex.P4 is the photocopy of the sale deed dated 21.01.1991. Ex.P5 is the affidavit of assets showing the net value of the estate as Rs.20,00,000/-.

8.The Third party namely Mr.N.Sridharan is examined as P.W.2 and marked Ex.P6, which is his affidavit. In his affidavit, he has stated that the peitioner is his younger sister and the sole executor of the said Will. He knows, the said deceased for more than 40 years. He has also stated that the said Will dated 15.04.2010 executed by the said deceased which was duly registered as Document No. 42 of 2010, on the file of SRO, Kodambakkam in book No.3, Volume 11. At the

<https://www.judiciary.gov.in/> time of executing the Will, that he was physically present and he saw the two



attesting witnesses to the Will namely T.N.Narayanan and S.Anand signing in the Will as attesting witnesses and he was well acquainted with the signatures of attesting witnesses. The Testator was in a sound and disposing state of mind, memory understanding and to the best of my belief made and published and the same of his free will and pleasure.

9. In the light of the averments made in the petition and the deposition of P.Ws.1, 2 supported by documents Exs.P1 to P6, 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.

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

29.07.2022

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