



O.P.No.874 of 2019

WEB COPY

C.V.KARTHIKEYAN, J.

This original petition has been filed taking advantage of Sections 222 and 276 of the Indian Succession Act, 1925 seeking Probate of Will dated 09.10.2017, executed by Kotekaran Vadagarakaran Sitaraman, the father of the 1st and 2nd respondents who died on 11.04.2019. His wife, Rani Sitaram had pre-deceased him and had died on 28.12.2013. The 1st respondent had given his consent affidavit. The 2nd respondent, had taken a conscious decision not to appear before this Court and was therefore, set ex-parte by an order dated 08.02.2021.

2.The petitioner was thereafter, invited to tender evidence. Accordingly, the petitioner examined herself as PW-1. The original unregistered Will dated 09.10.2017 was marked as Ex.P1. The Death Certificate of wife of the executor Mrs. Rani Sitaram was marked as Ex.P2. The Death Certificate of the executor of the Will / testator, Kotekaran Vadagarakaran was marked as Ex.P3 and the Legal Heirship Certificate of the testator was marked as Ex.P4. The consent affidavit of the 1st respondent was marked as Ex.P8.



WEB COPY



C.V.KARTHIKEYAN,J.

smv

3. Thereafter, the petitioner also examined A.P.Sudersan as PW-2. He identified the Will. He was the second attesting witness and the first attesting witness was one N.S.Srinivasan. He stated that both he and other attesting witness and also the testator signed the Will in the presence of each other. He stated that the testator was in a sound and disposing state of mind at the time of executing the will. His affidavit was marked as Ex.P9.

4. In view of the evidence adduced, this Original Petition stands allowed. The probate of the Will of Kotekaran Vadagarakaran Sitaram is granted as prayed for.

11.11.2022

smv

O.P.No.874 of 2019