

**O.P.No.133 of 2022****C.V.KARTHIKEYAN, J.,**

The executor and also the subsequent beneficiary under a Will dated 16.05.2019 executed by V.Ramamurthy, brother of the petitioner has approached this Court by filing this Petition under Section 222 and 276 of the Indian Succession Act, 1925 seeking probate of the said Will.

2. Under the said Will, V.Ramamurthy had granted life interest to the schedule property to his wife. Unfortunately she had also died. It had also been stated in the petition that V.Ramamurthy did not have any other legal heir, who would have a caveatable interest over the probate of the Will.

3. After following due process, the parties were invited to adduce evidence and accordingly, the petitioner examined himself as PW-1. A perusal of the evidence shows that he is an aged person of 85 years. He produced the original Will dated 16.05.2019 as Ex.P-1, the death certificate of V.Ramamurthy as Ex.P-3, the death certificate of the wife of V.Ramamurthy / R.Saroja, as Ex.P-4, and the legal heirship certificate as Ex.P-5.



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4. Thereafter, one of the attesting witness D.Venkatesan was examined as PW-2. He identified the Will and also affirmed the fact that he had signed as attesting witness and further stated that he was present when V.Ramamurthy signed the Will and that he saw him signing the Will and he further stated that at the time of executing the Will V.Ramamurthy time was in sound disposing state of mind.

5. In view of evidence produced, the probate of the Will executed by V.Ramamurthy dated 16.05.2019 is granted and this Original Petition is allowed as prayed for.

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15.09.2022

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