

**O.P.No.54 of 2022****C.V.KARTHIKEYAN, J.,**

This Petition has been filed taking advantage of Sections 222 & 276 of the Indian Succession Act 1925 seeking probate of a Will dated 29.04.2010 executed by K.Ekambaram, the father of the petitioner herein and who died on 11.02.2013.

2. The respondents are also the legal representatives of the deceased K.Ekambaram. Notice had been directed to the respondents. Notice had been served but they had taken a conscious decision not to appear before this Court. A learned Single Judge of this Court had observed that service had been completed and further observed that there was no appearance on behalf of the respondents and had permitted the petitioner to tender evidence before the learned Master.

3. Accordingly, the petitioner examined himself as PW-1. The Original Will dated 29.04.2010 was marked as Ex.P-1 and the death certificate of his father K.Ekambaram was marked as Ex.P-2 and the legal heirship certificate was marked as Ex.P-3. Some of the legal heirs had died and documents relating to that were marked as Exs. P-4 and P-5.



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4. The petitioner also examined S.Boopathy as PW-2, who was one of the attestors of the Will. He identified the Will and also stated that he and T.N.Balu had signed as executors and specifically stated that all three of them / the testator and himself and the other attesting witness signed the Will in the presence of each other. He further specifically stated that the deceased K.Ekambaram was in a sound and disposing state of mind at the time of execution of the Will. His affidavit was marked as Ex.P-8.

5. In view of evidence produced, the probate of the Will executed by K.Ekambaram dated 29.04.2010 is granted and this Original Petition is allowed as prayed for.

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08.11.2022

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