



O.P.No.29 of 2022

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KRISHNAN RAMASAMY J.,

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 Dr.V.Santha @ Dr.V.Shantha.

2. In the petition, it is stated by the petitioners that the deceased/sister Dr.V.Santha @ Dr.V.Shantha, died on 19.01.2021 at Apollo Hospital, Chennai – 600 006 and ordinarily resided as Chairman, Cancer Institute, Adyar, Chennai – 600 020. During her life time, the deceased executed a Will dated 29.07.2011. The Testator has appointed the petitioners as executor to the Will dated 29.07.2011. The 1st petitioner and respondents are the sisters of the Testator. The respondents have given their consent affidavits, expressing their no objection for probate of the Will to the petitioners. The total amount of the assets after deducting all items which the petitioner's by law allowed to deduct is Rs.1,59,99,000/-



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3. 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 Dr.V.Santha @ Dr.V.Shantha.

4. In order to prove the Will, the 1st petitioner herein is examined as PW.1 and marked Exhibits P1 to P13. Ex.P1 is the original registered Will dated 29.07.2011 executed by her sister Dr.V.Santha @ Dr.V.Shantha. Ex.P2 is the computer generated death certificate of her sister Dr.V.Santha @ Dr.V.Shantha. Ex.P3 is the photocopy of the letter dated 17.06.2021 from Tahsildar Office for legal heirship certificate of Dr.V.Shantha along with circular dated 24.09.2019 issued by the Additional Chief Secretary, Commissioner of Revenue Administration (Compared with the Original). Ex.P.4 is the photocopy of Aadhaar card. Ex.P.6 is the photocopy of the sale deed dated 22.05.1972 executed in favour of Dr.V.Shanta. Ex.P.7 is the photocopy of the Agreement for development dated 21.06.2006. Ex.P.8 is the photocopy of the Chennai Metropolitan Water Supply and Sewerage Board receipt. Ex.P.9 is the photocopy of the letter dated 30.11.2008 received by Dr.Shantha from Krishna Constructions handing over the property. Ex.P.10 is the affidavit of assets showing the



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net value of the estate as Rs.1,59,00,000/-. Ex.P.11 is the consent affidavit given by the 1st respondent. Ex.P.12 is the consent affidavit given by the 2nd respondent. Ex.P.13 is the affidavit of attesor, namely, R.Dhanasekaran. Further, none has appeared before this Court and raised objections.

5. One of the attestors of the Will dated 29.07.2011, viz., Mr.R.Dhanasekaran is examined as P.W.2 and in his affidavit, marked as Ex.P.13, he has stated that he was a secretary to Dr.V.Shantha. The Testator executed his last Will and Testament in his presence and in the presence of one Mr.S.Rajagopal. At the time of executing the Will, the Testator was in a sound and disposing state of mind and not affected by any illness.

6. In the light of the averments made in the petition and the deposition of P.Ws.1 and 2 supported by documents Exs.P1 to P13, it is clear that the petitioners have proved the Will and there is no contra evidence. Hence, I am satisfied that the petitioners are entitled to the relief sought for.



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7. Accordingly, the Original Petition is ordered. Grant probate of the

Will in respect of the petitioners.

02.08.2022

**Note: Registry is directed to issue
Probate on 08.08.2022**

ssd



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