



O.P.No.179 of 2022

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WEB COPY **KRISHNAN RAMASAMY.J.**

This petition has been filed under Sections 222 & 276 of the Indian Succession Act, 1925 r/w. Order XXV Rule 4 of the Original Side Rules, 1956, for grant of Probate.

2. In the petition, it is stated by the petitioner that one Late Dr.Mrs.S.Kanthamani, executed her last registered Will dated 26.03.2015 registered on 31.03.2015 as Doc.No.26 of 2015 before the Sub Registrar Office at Chennai South Joint I (Joint Sub-Registrar, Saidapet, South Chennai). As per the Will, the testatrix bequeathed her properties to the respondents and appointed the petitioner as one of the executors and Trustees of the Will. The deceased S.Kanthamani died on 14.09.2021. The husband of the testatrix late Dr.K.S.Venkataramani, predeceased her on 29.12.2010. The petitioner further states that as per the Will, the sixth respondent who is the nephew of the deceased S.Kanthamani's husband, will get only one Godrej Almirah (6 ft. with glass front) and all other respondents viz. R1 to R5 are entitled to get the sale proceeds of the respective movable and immovable properties as per the terms of the Will. The respondents have given their consent affidavits, expressing their no objection for probate of the Will. The



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total amount of assets will be for a sum of Rs.1,36,59,224/-.

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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 S.Kanthamani.

4. In order to prove the Will, the petitioner was examined as P.W.1 and he narrated the averments made in the petition stating that he has filed this petition for the grant of probate in his favour in respect of the Will executed by Late S.Kanthamani on 26.03.2015. Ex.P1 is the original registered Will dated 26.03.2015 executed by Dr.Mrs.S.Kanthamani. Ex.P2 is the photocopy of the Settlement Deed dated 22.10.2010. Ex.P3 is the computer generated death certificate of K.S.Venkataramani. Ex.P4 is the computer generated death certificate of S.Kanthamani. Ex.P5 is the original expenses statement incurred by M/s.King & Patridge for the treatment of S.Kanthamani. Ex.P6 is the affidavit of assets showing the net value of the estate as Rs.1,36,59,224/-.

5. There are two attesting witnesses of the Will dated 26.03.2015. One of the attesting witness namely Mr.K.Irudayaraj was examined as P.W.2 and



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he has stated that he knew Dr.Mrs.S.Kanthamani in his official capacity as Executive Manager, Real Estate. He further stated that the deceased S.Kanthamani executed Ex.P1 Will on 26.03.2015 in his and one M.Kumaresan's presence. The deceased S.Kanthamani was in a sound and disposing state of mind at the time of execution of Ex.P1 Will. He was also one of the identifying witnesses at the time of registration of Ex.P1 Will before the Sub Registrar. He has filed his affidavit in this regard which is marked as Ex.P7.

6. In the light of the averments made in the petition and the deposition of P.W.1 and P.W.2 supported by documents Exs.P1 to P7, 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.

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

04.08.2022

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KRISHNAN RAMASAMY.J.

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