

**O.P.No.355 of 2022****C.V.KARTHIKEYAN, J.,**

This Petition has been filed taking advantage of Sections 222 and 276 of the Indian Succession Act 1925 seeking grant of probate of the Will dated 30.04.2015 executed by Mrs.Varalakshmi Rajamanickam.

2. The petitioner is the executor named under the Will and is also a beneficiary. He is the sister's son of the testatrix. The respondent, who is also a beneficiary is his own wife. The husband of the testatrix predeceased her and he died on 31.10.2008. The testatrix Varalakshmi Rajamanickam, died on 05.09.2021.

3. The parties were invited to adduce evidence. The petitioner examined himself as PW-1. The original Will dated 30.04.2015 was marked as Ex.P-1, the death certificate of Varalakshmi Rajamanickam and her husband Dr.Rajamanickam were marked as Exs. P-2 and P-3.

4. To prove the Will, the petitioner was also examined N.Balasubramanian as PW-2 and A.Krishnan as PW-3. They were the attestors to the Will. They both affirmed and identified that Ex.P-1 is the Will executed by Varalakshmi Rajamanickam and both of them



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independently stated that they had both signed as witnesses and that they had witnessed Varalakshmi Rajamanickam executing and signing of the Will. They also stated that at that time when the Will was executed by her, she was in a sound and disposing state of mind.

5. In view of compliance as required under Section 68 of the Indian Evidence Act, 1872 with respect to the proof of Will, I hold that the Will had been proved as required in the manner known to law.

6. Heard the learned counsel for the respondent also.

7. In view of evidence produced, probate of the Will is granted and this Original Petition is allowed as prayed for.

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15.09.2022

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