



O.P.No.7 of 2022

O.P.No.7 of 2022

WEB COPY

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 Mr.O.R.Subramania Sastri Alias Ongur Mani Sastri.

2.In the petition, it is stated by the petitioners that the deceased Mr.O.R.Subramania Sastri, died on 17.02.1981 at St.Isabels Hospital, Chennai – 600 004, and he possessed immovable property within the jurisdiction of this Court. During his life time, the deceased executed a Will dated 27.08.1980 and he appointed petitioners as the executors of the Will and each petitioners is entitled for 1/4th share in the schedule mentioned property. Mr.O.V.Ramanathan is the elder brother's son of the deceased/Testator, who died on 21.01.2015 leaving behind the respondents herein as his class-I legal heirs. The petitioners herein are the younger brothers of Mr.O.V.Ramanathan, except the petitioners and the respondents



O.P.No.7 of 2022

herein, there are no other legal heirs to the Testator. The respondents have given their consent affidavits, expressing no objection for probate of the Will.

The total amount of the assets will be for a sum of Rs.53,38,560/-.

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 Mr.O.R.Subramania Sastri Alias Ongur Mani Sastri.

4. In order to prove the Will, the petitioner herein is examined as PW.1 and marked Exhibits P1 to P7. Ex.P1 is the original registered Will dated 27.08.1980 executed by O.R.Subramania Sastri @ Ongur Mani Sastri, which has been attested by two attestors. Ex.P2 is the computer generated death certificate of O.R.Subramanya Sastri. Ex.P3 is the photocopy of the death certificate of S.Gowriammal. Ex.P4 is the computer generated death certificate of S.Padmavathi. Ex.P5 is the computer generated death certificate of O.V.Ramanathan. Ex.P6 is the photocopy of the Legal Heirship Certificate of O.V.Ramanathan. Ex.P7 is the affidavit of assets showing the net value of



O.P.No.7 of 2022

the estate as Rs.53,38,560/-. In his evidence, he has stated the Testator executed his last Will and Testament in his presence Mr.P.N.Lakshmanan and Mrs.Saraswathi. At the time of executing the Will, the Testator was in a sound and disposing state of mind and not affected by any illness.

5. The first respondent herein is examined as RW1 and deposed as follows:

“I am the 1st respondent herein. I am filing my proof affidavit stating the facts of this case and the same may be treated as part and parcel of my examination-in-chief. I do not have any objection for grant of probate.”

6. The second respondent herein is examined as RW 2 and deposed as follows:

“I am the 2nd respondent herein. I am filing my proof affidavit stating the facts of this case and the same may be treated as part and parcel of my examination-in-chief. I do not have any objection for grant of probate.”

7. The third respondent herein is examined as RW3 and deposed as follows:



O.P.No.7 of 2022

WEB COPY

“I am the 3rd respondent herein. I am filing my proof affidavit stating the facts of this case and the same may be treated as part and parcel of my examination-in-chief. I do not have any objection for grant of probate.”

8. In the light of the averments made in the petition and the deposition of P.W.1 and R.W.1, 2 and 3 supported by documents Exs.P1 to P7, 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.

8. Accordingly, the Original Petition is ordered. Grant probate of the Will in respect of the petitioners.

12.07.2022

dn

Note to Registry:

Issue order copy on 25.07.2022

KRISHNAN RAMASAMY.J.



WEB COPY



O.P.No.7 of 2022

dn

O.P.No.7 of 2022

12.07.2022