

**O.P.No.278 of 2021****C.V.KARTHIKEYAN, J.,**

This Petition has been filed seeking grant of probate of Will dated 19.03.2018 registered as Document No. 116 of 2013 in Book No.3 in the office of the Sub Registrar, Sivakasi at Virudhunagar District, executed by P.Kannagi / mother of the petitioner, who died on 19.03.2018.

2. The first respondent is the father of the petitioner and the second and third respondents are his sisters and the fourth, fifth and sixth respondents are his wife, son and daughter. The petitioner has been appointed as executor under the Will. The second and third respondents had filed their consent affidavits along with petition but subsequently, had not appeared before the Court. Their consent affidavits are part of the Court records.

3. After following due procedure, the petitioner was directed to tender evidence. Accordingly, he examined himself as PW-1. The original Will dated 13.11.2013 was marked as Ex.P-1 and the death certificate and legal heirship certificate of his mother P.Kannagi was marked as Exs. P-2 and P-3. The petitioner had a brother, who died a

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bachelor and pre-deceased his mother. His death certificate was marked as Ex.P-4. The affidavit of assets was marked as Ex.P-12.

4. The petitioner also examined A.Palanivel as PW-2 and K.Alaguraj as PW-3. They were the attesting witness and both of them identified Ex.P-1 Will and also stated that they both signed in the presence of testatrix who also signed in their presence. They identified her signatures. They also specifically stated that she was in a good state of mind at the time of executing the Will. Their affidavits were marked as Exs.P-13 and P-14 respectively.

5. In view of the evidence presented, the probate of the Will executed by Kannagi dated 19.03.2018 is granted and this Original Petition is allowed as prayed for.

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14.11.2022

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