



O.P.No.404 of 2017

C.V.KARTHIKEYAN,J.

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By noting dated 07.06.2018, the learned Master recorded sufficiency of service on the respondent and matter was then posted before this Court.

2. This Petition had been filed taking advantage of the provisions under Indian Succession Act, 1925 seeking probate of the last Will said to have been executed by P.R.Soni. The son and daughter-in-law are the petitioners. The 1st respondent is his widow, the 2nd and 4th respondents are the daughters and the 3rd respondent is another son.

3. As pointed out in the beginning, notice had been issued and service had been deemed sufficient by the learned Master. They had taken a decision not to appear before this Court or raise objections for grant of probate.

4. The Will was required to be proved under Section 68 of the Indian Evidence Act, 1872. Accordingly, the learned Master has recorded evidence of P.W.1 and P.W.2. P.W.2 is the attesting witness. The Will had also been produced and marked as Ex.P.1. The death certificate of P.R.Soni who executed the Will has been marked as Ex.P.2 and legalheirship certificate was marked as Ex.P.3.



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5. The 1st petitioner has been examined as P.W.1. One of the attesting witness / Mr.Sailesh Arora was examined as P.W.2. The evidence is in accordance with requirements of the procedure and the Will also is said to be in accordance with Section 63(c) of the Indian Succession Act, 1925. The second attesting witness is suffering from cancer and memo to that regard has been filed before this Court.

6. In view of the fact that necessary evidence has been recorded as required under Section 68 of the Indian Evidence Act, 1872, in manner known to law, issue probate after necessary compliance.

7. Accordingly, this Petition stands allowed.

06.09.2022

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