



WEB COPY



O.P.No.793 of 2019

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and
A.No.3776 of 2022

C.V.KARTHIKEYAN, J.

The Original Petition has been filed seeking grant of probate with respect to a Will dated 14.07.2004 executed by Ms.S.Jayalakshmi, who died on 11.04.2015.

2. The petitioner is the named executor under the Will. The 6th respondent is the sister of S.Jayalakshmi. The petitioner and the 1st to 5th respondents are the children of the 6th respondent.

3. After following due process, the petitioner was directed to tender evidence.

4. The petitioner was examined himself as P.W.1. The Original Will dated 14.07.2004 was marked as Ex.P1. The Death Certificate of S.Jayalakshmi was marked as Ex.P2. The Death Certificate of T.R.Kothandaraman, who is the father of the petitioner and the husband of the 6th respondent was marked as Ex.P3. The consent affidavits of the 1st to 6th respondents were marked as Exs.P5 to P10.

5. Thereafter, an application has been filed in A.No.3776 of 2022 seeking to appoint an Advocate Commissioner to examine the attesting witness, who is none other than the 6th respondent, K.Vedavalli.



6. Accordingly, Mr.I.Inian, learned counsel was appointed as Advocate Commissioner.

7. I must place my appreciation for the manner in which, the warrant has been discharged.

8. He had recorded evidence in entirety and had also typed the same and had presented both the versions as a report before this Court. He had also served both the learned counsel for the petitioners and also the learned counsel for the respondents.

9. Evidence was recorded on the presence of both the learned counsels.

10. In the evidence, the 6th respondent/attestor had identified the Will and had stated that the other attesting witness T.R.Kothandaraman was her husband.

11. The attesting witness was examined as P.W.2. She specifically stated that she and the testatrix and also the other attesting witness signed the Will in the presence of each other. She further stated that the testatrix was in a sound and disposing state of mind at the time of executing the Will.



O.P.No.793 of 2017

12. Though affidavit of the 6th respondent is available and had not been marked as an exhibit, since there is no contest, the same is marked as Ex.P12.

13. In view of the evidence presented, the Original Petition stands allowed. Probate is granted. The application in A.No.3776 of 2022 stands allowed.

11.11.2022

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