

**O.P.No.561 of 2019****C.V.KARTHIKEYAN, J.,**

This petition has been filed under Order XXV Rule 4 of O.S.Rules read with Section 222 and 276 of Indian Succession Act,1925 for the grant of Probate in respect of the last Will of Narasamma, who died on 15.11.2008 after having executed a Will dated 29.01.2008.

2. The petitioner is the son of the deceased and the respondents are also his sons. They had given their consent affidavit. The petitioner was examined as PW-1 and he marked Ex.P-1 the original registered Will dated 29.01.2008 and also marked Ex.P-2 death certificate of Narasamma and Ex.P-3 the joint consent affidavits given by the respondents.

3. Thereafter, since both the attesting witnesses had died, after obtaining permission from the Court by filing an application, D.Bhuvenawwaan, was examined as P.W.2. He claimed that he knew about the execution of the Will and he identified the signature of Narasamma and also that of the two attesting witnesses, namely, Mohan and Sekar in Ex.P-1 Will.



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4. In view of the fact that the petitioner had adduced sufficient evidence and had also examined PW-2 in accordance with Section 69 of the Indian Evidence Act 1872 and also since the first and second respondents had given their consent, this Original Petition stands allowed. Grant probate of the Will in respect of the petitioner.

09.09.2022

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