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N.SATHISH KUMAR, J.

This Original Petition has been filed under Sections 222 and 276 of the Indian Succession Act, 1925, read with Order XXV Rule 4 of the Madras High Court Original Side Rules, for grant of probate in respect of the last Will and Testament of the deceased Mr.P.S.Krishnaswamy.

2.The petitioner is the nephew of the deceased Mr.P.S.Krishnaswamy. The deceased died on 02.12.1986. The wife of the deceased Mrs.Valam pre-deceased him and she died on 19.08.1976. They have no issues. The respondents are the nieces and nephews of the deceased. According to the petitioner, the deceased executed a Will dated 14.06.1986 registered as Document No.54 of 1986 at Sub Registrar Office, Mylapore, Chennai. The petitioner being the Executor of the Will seeks grant of Probate of the Will.



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3.The petitioner has examined himself as P.W.1 and he has stated about the execution of the Will by the deceased and marked Exs-P.1 to P.16. The document viz., Ex-P.1 is the death certificate of the wife of the deceased; Ex-P.2 is the original Will dated 14.06.1986; Ex-P.3 is the death certificate of the testator; Ex-P.4 is the affidavit of assets; Exs-P.5 to P.16 are the consent affidavits of the respondents.

4.Mr.Ganapathy Subramanian, son of one of the attesting witnesses namely P.M.Balasubramanian of the Will has been examined as P.W.2. He identified the signature of the first identifying witness before the Sub Registrar Office, Mylapore, in the Will executed by Mr.P.S.Krishnaswamy. Ex-P.17 is filed to prove his father's signature in Ex-P.2 and Ex-P.18 is the computer generated death certificate of his father. The evidence of the son of one of the attesting witnesses not only prove the execution but also attestation of the Will and there is no other materials to suspect the Will.



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5.In view of the above facts, I am of the view that the petitioner has proved the execution and attestation of the Will. Hence, the petitioner is entitled for the issuance of probate in favour of the petitioner.

6.The Original Petition is ordered. Grant probate of the Will in respect of the petitioner.

01.11.2023

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