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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 Madho Bihar Palsani.

2.The petitioner is the Executor of the Will executed by the deceased. The first respondent is the wife of the testator and respondent 2 is the daughter and respondents 3 and 4 are the sons of the testator. The deceased has executed a Will dated 15.09.2018 bequeathing the properties in favour of the first respondent and appointed the petitioner as Executor of the Will. The deceased died on 21.10.2022 leaving behind him the respondents as his legal heirs. Hence, the petitioner seeks grant of probate.

3.The petitioner 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.5 The document viz., Ex-P.1 is the original Will dated 15.09.2018 executed by



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the deceased Madho Bihari Palsani; Ex-P.2 is the computer generated death certificate of the testator; Ex-P.3 is the computer generated death certificate of the mother of the deceased; Ex-P.4 is filed to prove the legal heirship of the testator; Ex-P.5 is the affidavit of assets showing the net value of estate as Rs.5,34,76,311/-.

4.Mrs.Neetha Jain, one of the attesting witnesses of the Will has been examined as P.W.2. She has stated about the execution as well as the attestation of the Will by the said Mr.Madho Bihari Palsani, while he was in sound state of mind. Ex.P.6 is the affidavit filed by P.W.2 in this regard. The evidence of attesting witness not only prove the execution but also attestation of the Will and there is no other materials to suspect the Will.

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



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respect of the petitioner.

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