



[O.P.NO.370 OF 2023](#)

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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 Mrs.V.Rajam.

2.The petitioner and the third respondents are the Executors named in the Will executed by the deceased Mrs.V.Rajam. First respondent is the sister of the deceased and second respondent is the son of the first respondent. The deceased, while she was in sound state of mind, has executed a Will dated 14.08.1990, which was duly registered as Document No.115 of 1990 at Sub Registrar's Office, Mylapore, Chennai. The petitioner, besides one of the Executors of the Will, he is one of the beneficiaries to the Will. The second respondent is also one of the beneficiaries. The testatrix gave life interest to the first respondent, who is her sister. It is the case of the petitioner that the other Executor named in the Will Mr.V.Nachiappan also died on 26.12.2018. Hence, Hence, the petitioner seeks grant of probate of



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the Will.

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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 P6. Ex-P.1 is the original registered Will dated 14.08.1990 executed by the deceased Mrs.V.Rajam; Ex-P.2 is the computer generated death certificate of Mrs.V.Rajam; Ex-P.3 is filed to prove the title of the property; Ex-P.4 is the computer generated death certificate of Mr.V.Nachiappan, one of the Executors of the Will and Ex-P.5 is the Sale Deed dated 24.04.1972 executed in favour of the deceased; Ex-P.6 is the affidavit of assets showing the net value of the estate as Rs.80,00,000/-.

4.Mrs.G.Bhuvaneswari, 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 Mrs.V.Rajam, while she was in sound state of mind in the presence of Mr.G.Venkateswaran. At the request of the testatrix, P.W.2 signed as first attester to the Will. Ex-P.7 is the affidavit filed by P.W.2 in this regard.

5.The third respondent has filed consent affidavit. The evidence



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of attesting witnesses not only prove the execution but also attestation of the Will and there is no other material to suspect the Will.

6.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.

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

20.12.2023

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