



WEB COPY



O.P.No.207 of 2023

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N.SATHISH KUMAR, J.

This petition has been filed under Sections 222 and 276 of the Indian Succession Act, 1925 read with Order XXV, Rule 4 of O.S. Rules, for the grant of Probate in respect of the last Will and Testament of the deceased Panchilal Kotecha.

2. The case of the petitioner is that the petitioner is the daughter of the testator and she has been appointed as the executor in the Will. The testator Panchilal Kotecha died on 27.01.2022. The respondents are the sons of the testator and under the said Will, the property has been bequeathed to the petitioner and the respondents. The wife of the testator predeceased the testator on 11.01.2020. The deceased executed his last Will and Testament dated 06.11.2020. There is no other kin or persons interested who has to be impleaded. The amount of assets which is likely to come into the petitioner's hands does not exceed in the aggregate sum of Rs.5,00,00,000/-



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and the net amount of the assets, after deducting all items which the petitioners are by law allowed to deduct is of the value of Rs.5,00,00,000/-.

The petitioner undertake to duly administer the property and credits of the deceased Panchilal Kotecha and in any way concerning the Will by paying first her debts and then the legacies therein bequeathed so far as the assets will extend and to make a full and true inventory thereof to the Court within six months from the date of grant of Probate to the petitioner and also to render to this Court a true account of the said property and credits within one year from the said date.

3. The petitioner examined herself as P.W.1 and she had narrated the averments made in the petition stating that the petitioner has filed this petition for the grant of probate in her favour in respect of the Last Will and Testament executed by the testator on 06.11.2020. Ex.P.1 is the original Will executed by the deceased Panchilal Kotecha. The deceased has executed the Will on 06.11.2020. Ex.P.2 is the copy of the death certificate of the deceased Panchilal Kotecha. Ex.P.2 has been filed to prove that the testator died on 27.01.2022. Ex.P.3 is the computer generated death



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certificate of the wife of the testator, viz., Lakshmi Devi Kotecha and she died on 11.01.2020. Ex.P.4 is the Legal Heir certificate of the testator.

Ex.P.4 shows that the petitioner and the respondents are the legal heirs of the testator. Ex.P.6 to Ex.P.8 have been filed to prove the assets of the testator.

4. The one of the attesor of the Will dated 06.11.2020 has been examined as P.W.2. P.W.2 in his evidence has stated that the testator executed his last Will and Testament on 06.11.2020 in his presence and in the presence of Mr.Inderchand and at the request of the testator, the said Inderchand and P.W.2 have subscribed their signatures in the presence of the testator. He has further deposed that while executing the Will, the testator was in a sound and disposing state of mind and in his presence the attesting witnesses subscribed their signature in the Will. The evidence of P.W.1 and P.W.2 not only prove 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.

06.10.2023

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