



[O.P.NO.384 OF 2022](#)

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WEB CO **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.Vijaykumar.

2.The petitioner is the Executor named in the Will executed by the deceased. The first respondent is the younger brother of the deceased; second respondent is the son of the elder brother of the deceased; third respondent is related to the deceased; fourth respondent is the son of the brother-in-law of the deceased. The testator had no issues. It is the case of the petitioner that the testator P.Vijaykumar executed a Will on 15.07.2018 in favour of the respondents. Hence, the petitioner seeks grant of probate of the Will.

3.The petitioner examined himself as P.W.1 and he has stated



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about the execution of the Will by the deceased and marked Exs-P.1 to P.9.

Ex-P.1 is the photocopy of the registered Sale Deed dated 04.12.2002; Ex-P.2 is the original Will dated 15.07.2018 executed by the testator; Ex-P.3 is filed to prove the title of the property; Ex-P.4 is the computer generated death certificate of the deceased; Exs-P.5 and P.6 are the water tax receipt and EB bill. Ex-P.8 is filed to prove the assets left by the deceased; Ex-P.9 is the affidavit of assets showing the net value of the estate as Rs.31,00,000/-.

4.Mr.D.Srinivasan, one of the attesting witnesses of the Will has been examined as P.W.2. He has stated about the execution as well as the attestation of the Will by the said Mr.P.Vijaykumar, while he was in sound state of mind in the presence of Mr.S.Parthasarathy. At the request of the testator, P.W.2 signed as first attester to the Will. Ex-P.10 is the affidavit filed by P.W.2 in this regard.

5.Mr.S.Parthasarathy, one of the attesting witnesses of the Will has been examined as P.W.3. He has stated about the execution as well as the attestation of the Will by the said Mr.P.Vijaykumar, while he was in sound



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state of mind in the presence of Mr.D.Srinivasan. At the request of the testator, P.W.3 signed as second attester to the Will. Ex-P.11 is the affidavit filed by P.W.3 in this regard.

6.The respondents have filed consent affidavits. The evidence of attesting witnesses not only prove the execution but also attestation of the Will and there is no other material to suspect the Will.

7.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.

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

18.12.2023

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