



[O.P.NO.723 OF 2022](#)

O.P.NO.723 OF 2022

WEB COPY

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 A.M.B.Subramanian @ A.M.Bala Subramanian.

2.The petitioner is the grandson of the deceased A.M.B.Subramanian @ A.M.Bala Subramanian and respondents 1 to 5 are the brothers and sisters of the petitioner; sixth respondent is the daughter of the deceased. The petitioner is the Executor named in the Will executed by the deceased. Respondents 1 and 2 are beneficiaries to the Will executed by the testator on 10.03.1979, registered as Document No.07/BKIII/1979, Sub-Registration Office at Periamet. The petitioner, besides one of the Executors of the Will, he is one of the beneficiaries to the Will. Hence, the petitioner seeks grant of probate of the Will.



[O.P.NO.723 OF 2022](#)

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 P9.

Ex-P.1 is the original Will dated 10.03.1979 executed by the deceased A.M.B.Subramanian @ A.M.Bala Subramanian; Ex-P.2 is the death certificate of A.M.B.Subramanian @ A.M.Bala Subramanian; Ex-P.3 is the legal heirship certificate of the deceased; Ex-P.4 is filed to prove the death of the father of the petitioner; Ex-P.5 is the death certificate of the mother of the petitioner; Ex-P.6 is the legal heirship certificate of the father of the petitioner; Exs-P.7 and P.8 are filed to prove the title of the property; Ex-P.9 is the affidavit of assets showing the net value of the estate as Rs.46,50,000/-.

4.Since both the attesting witnesses died, one Mrs.Revathi Prakash, who is acquainted with the signature of the second attesting witness of the Will has been examined as P.W.2. She has stated that his father Mr.B.Thanikachalam was the second attestor in Ex-P.1 Will dated 10.03.1979 executed by the deceased and her father died on 10.05.2021. Ex-P.11 is the death certificate of her father Mr.B.Thanikachalam. She has identified that the signature of the second attestor found in Ex-P.1 Will is that of her father Mr.B.Thanikachalam.



[O.P.NO.723 OF 2022](#)

5.The respondent have filed consent affidavits. The evidence of P.W.2 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.

22.12.2023

TK



WEB COPY



O.P.NO.723 OF 2022

N.SATHISH KUMAR, J.

TK

O.P.NO.723 OF 2022

22.12.2023