



[O.P.NO.72 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 Mr.S.Mariappan.

2.The petitioner is the son of the deceased; respondents 1 and 2 are the sisters and third respondent is the brother of the petitioner and fourth respondent is the wife of the deceased i.e., mother of the petitioner. It is the case of the petitioner that the father of the petitioner, while he was in sound state of mind, had executed a Will dated 20.02.2002 which has been registered as Document No.29/2002 at the Office of the Sub Registrar, Purasawalkam, Chennai and the petitioner was appointed as Executor of the Will. Hence, the petitioner seeks grant of probate of 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 the attestation by himself and another witness and marked Exs-P.1 to P.10. The document viz., Ex-P.1 is the original registered Will and Testament dated 20.02.2002 executed by the deceased; Ex-P.2 is the computer generated death certificate of the deceased; Ex-P.3 is the computer generated legal heirship certificate of the deceased; Ex-P.8 is the affidavit of assets showing the net value of the estate as Rs.25,00,000/-; Ex-P.9 is the affidavit of consent given by the fourth respondent; Ex-P.10 is the paper publication. The respondents 1 to 3, despite service of notice have not appeared before this Court either in person or through counsel and remained *exparte*.

4.The Will is a registered one and P.W.1 has stated about the execution as well as the attestation of the Will. The petitioner (P.W.1) himself is one of the attesting witnesses to the Will. 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.



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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 his favour.

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

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