O.P.No.199 of 2023

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 Gyanchand Jain.

2. The case of the petitioner is that the petitioner is the executor named in the Will. The first respondent is the adopted son of the testator and the second respondent is his daughter. The testator Gyanchand Jain died on 08.05.2022. The deceased executed his last Will and Testament dated 14.03.2022. The mother of the testator predeceased him. 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.66,96,27,631/- 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.66,96,07,631/-. Both the respondents have filed consent affidavits for grant of probate in favour of the petitioner. The petitioner undertake to duly administer the property and credits of the deceased Gyanchand Jain 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 14.03.2022. Ex.P.1 is the computer generated death certificate of the deceased Gyanchand Jain. Ex.P.1 indicate that the deceased died on 08.05.2022. Ex.P.2 is the computer generated legal heir certificate of the testator. Ex.P.2 shows that the petitioner and the respondents are the surviving legal heirs of the testator. Ex.P.3 is the

original registered Will dated 14.03.2022 executed by the deceased Gyanchand Jain. Ex.P.4 is the affidavit of assets showing the net value of the estate as Rs.66,96,07,631/-. Ex.P.5 and Ex.P.6 are the consent affidavits filed by the respondents.

4. The second attesting witness of the Will dated 14.03.2022 has been examined as P.W.2. In his evidence, he has stated that the testator executed his last Will and Testament on 14.03.2022 in his presence and in the presence of one Ashok Kumar. At the request of the testator, they 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 affidavit of the attesting witness has been marked as Ex.P.7. 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.

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 her favour.

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

21.11.2023

vrc

N.SATHISH KUMAR, J.

vrc

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