



[O.P.NO.293 OF 2022](#)

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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 Mrs.V.Bhayalakshmi Ammal dated 09.08.1991.

2.The petitioner is the son of the deceased; respondents 2 and 3 are the brothers of the petitioner and third respondent is the sister of the petitioner. It is the case of the petitioner that the mother of the parties executed a Will dated 09.08.1991 bequeathing her entire estate in favour of the petitioner and the testatrix died on 21.09.2018. Hence, the petitioner seeks grant of probate of the Will.

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 P.7 The document viz., Ex-P.1 is the original Will dated 09.08.1991 executed by



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the deceased Mrs.V.Bhagyalakshmi Ammal; Ex-P.2 is the computer generated death certificate of the testatrix; Ex-P.3 is the affidavit of assets showing the net value of estate as Rs.20,00,000/-; Ex-P.4 is the affidavit of consent given by the respondents dated 02.07.1993; Exs-P.5, P.6 and P.7 are filed to prove the title of the property.

4.Mr.N.Ganesan, 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 Mrs.V.Bagyalakshmi Ammal, while she was in sound state of mind in the presence of one Mr.G.Hariharan. At the request of the testatrix, P.W.2 signed as first attester to the Will. Ex.P.9 is the affidavit filed by P.W.2 in this regard. 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.

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.



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

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