



WEB COPY



O.P.No.427 of 2023

O.P.No.427 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 Shankari Natarajan.

2. The case of the petitioners is that schedule mentioned property has been purchased by the husband of the testatrix, viz., A.Natarajan and during his time he executed an unregistered Will dated 25.01.2004 bequeathing the movable and immovable properties in favour of his wife, the testatrix herein. On the strength of the above Will, the testatrix Shankari Natarajan has executed a registered Will dated 01.06.2017 bequeathing the immovable properties in favour her elder son N.Kumar till his life time and since the said Kumar was mentally incapacitated and cannot act on his own, she has appointed the first petitioner as his guardian and after the demise of the said



O.P.No.427 of 2023

Kumar, the immovable property mentioned in the schedule will pass on to the first petitioner absolutely. The second petitioner has been appointed by the testator to share the movable properties, particularly shares to the persons/ mutts as mentioned in the Will. The petitioners, who are the beneficiaries and also executors in the Will to safeguard their interest and wish of the testatrix have come forward with the present petition. The respondents are the brother's and sister's daughters of the testator. There is no other kin or persons interested who has to be impleaded. The amount of assets which is likely to come into the petitioners' hands does not exceed in the aggregate sum of Rs.1,96,00,000/- 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.1,96,00,000/-. The respondents have filed consent affidavits for grant of probate in favour of the petitioners. The petitioners undertake to duly administer the property and credits of the deceased Shankari Natarajan 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 petitioners and also to render



O.P.No.427 of 2023

to this Court a true account of the said property and credits within one year from the said date.

3. The first petitioner has been examined himself as P.W.1 and he had narrated the averments made in the petition stating that the petitioners have filed this petition for the grant of probate in their favour in respect of the Last Will and Testament executed by the testator Shankari Natarajan on 01.06.2017. Ex.P.2 and Ex.P.3 are the copy of the sale deeds executed in favour of deceased A.Natarajan. Ex.P.4 is the copy of the Will dated 25.01.2004 executed by the husband of the testator A.Natarajan. Ex.P.7 is the original registered Will dated 01.06.2017 executed by the testatrix Shankari Natarajan. Ex.P.9 is the computer generated death certificate of the testatrix Shankari Natarajan. Ex.P.12 is the computer generated death certificate of N.Kumar. Ex.P.13 is the affidavit of assets showing the net value of estate as Rs.1,96,00,000/-.

4. The one S.Krishnamurthy has been examined as P.W.2 and he is the first attesting witness in the Will dated 01.06.2017 executed by the



O.P.No.427 of 2023

testator Shankari Natarajan. In his evidence, he has stated that the testatrix executed her last Will and Testament on 01.06.2017 in his presence and in the presence of one Ponna Subramanian. At the request of the testatrix, they have subscribed their signatures in the presence of the testatrix. He has further deposed that while executing the Will, the testatrix was in a sound and disposing state of mind and in her presence the attesting witnesses subscribed their signature in the Will. 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 petitioners have proved the execution and attestation of the Will. Hence, the petitioners is entitled for the issuance of probate in their favour.

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

01.12.2023

vrc

4/5



WEB COPY



O.P.No.427 of 2023

N.SATHISH KUMAR, J.

vrc

O.P.No.427 of 2023

01.12.2023