



[O.P.NO.348 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 Mrs.G.Pushpa @ Pushpammal.

2.The petitioner is the Sole Executor of the Will dated 21.01.2022 executed by the deceased. The respondents are the children of the brothers of the deceased. The deceased Mrs.G.Pushpa @ Pushammal married one Mr.R.Govinda Chettiar @ Govindasamy and no children were born to them. The testatrix died on 10.04.2022. It is the case of the petitioner that he is one of the beneficiaries in respect of the Will executed by the deceased and he has been appointed as Executor of the Will. Hence, the petitioner seeks grant of probate of the Will.



O.P.NO.348 OF 2023

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.4.

The document viz., Ex-P.1 is the original Will dated 21.01.2022 executed by the deceased; Ex-P.2 is the Sale Deed executed in favour of the deceased; Ex-P.3 is the death certificate of the testatrix; Ex-P.4 is the affidavit of assets showing the net value of estate as Rs.50,00,000/-; The respondents 1 to 8 have filed affidavit of consent.

4.Mr.E.Ranganathan, 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.Pushpa @ Pushpammal, while she was in sound state of mind in the presence of one Mr.K.Sabahe. At the request of the testatrix, P.W.2 signed as second attester to the Will. Ex-P.5 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.



[O.P.NO.348 OF 2023](#)

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.

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

**30.10.2023**

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O.P.NO.348 OF 2023

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**O.P.NO.348 OF 2023**

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