



O.P.No.415 of 2023

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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 Jayaseelakulasekaran.

2. The case of the petitioner is that the deceased Jayaseelakulasekaran executed a will dated 19.02.2014, wherein, the petitioner is appointed as executor and the second respondent adopted daughter as the beneficiary and the testator died on 15.02.2020. The first respondent is the only legal heir of the deceased and under the said Will, the property has been bequeathed to the first respondent. The husband of the testator predeceased the testator on 15.07.1997. The deceased executed her last Will and Testament dated 19.02.2014. 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.2,00,32,048.12/- and the net amount of the assets, after deducting all



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items which the petitioner by law allowed to deduct is of the value of Rs.2,00,12,048.12/-. The petitioner undertake to duly administer the property and credits of the deceased Jayaseelakulasekaran 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 himself as P.W.1 and he had narrated the averments made in the petition stating that the petitioner has filed this petition for the grant of probate in his favour in respect of the Last Will and Testament executed by the testator on 19.02.2014. Ex.P.3 is the photocopy of the marriage invitation card of the respondent dated 15.06.1989. Ex.P.8 is the computer generated death certificate of deceased Jayaseelakulasekaran. Ex.P.13 & P.14 are the certified copy of the statement of account held by the respondent and the deceased Jayaseelakulasekaran. Ex.P.17 is the affidavit of assets showing the net value of estate as Rs.2,00,12,048/-.



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4. The one of the attestor of the Will dated 19.02.2014 has been examined as P.W.2. P.W.2 in his evidence has stated that the testator executed his last Will and Testament on 19.02.2014 in his presence and in the presence of Mr.K.Nagendra Prasad and at the request of the testator, the said K.Nagendra Prasad and P.W.2 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 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 favour of the petitioner.

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

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