



O.P.No.459 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 Original Side Rules, for the grant of Probate in respect of the last Will and Testament of the deceased Swarnalatha Valluri alias V.Swarnalatha.

2. The case of the petitioner is that the petitioner is the executor appointed under the Will executed by the deceased Swarnalatha Valluri alias V.Swarnalatha. The deceased executed her last Will and Testament dated 11.09.2013. The petitioner is the sole executor appointed in the Will. The deceased had bequeathed the property in favour of the petitioner. The amount of assets which is likely to come into the petitioner's hands does not exceed in the aggregate sum of Rs.2,29,35,000/- and the net amount of the assets, after deducting all items which the petitioner is by law allowed to deduct is of the value of Rs.2,29,35,000/-. There is no other person interested to be impleaded. The petitioner undertakes to duly administer the property and credits of the deceased Swarnalatha Valluri alias



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V.Swarnalatha 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. To prove the Will, the petitioner examined himself as PW1 and he had narrated the averments made in the petition stating that the petitioner has filed in this petition for the grant of probate in his favour in respect of the Last Will and Testament executed by the testatrix on 11.09.2013. The petitioner marked 9 documents as Exs.P1 to P9. Ex.P1 is the original Will executed by the petitioner's mother on 11.09.2013 registered as Doc.No.125 of 13-14 at SRO Gandhi Nagar, Bangalore, Ex.P2 is the original Death Certificate of the testatrix Swarnalatha Valluri alias V.Swarnalatha. Ex.P2 has been filed to prove that the testatrix died on 24.07.2014, Ex.P3 is the original Death Certificate of Mr.Valluri Krishna Mohana Rao, husband of the testatrix. Exs.P4 to P7 were filed to prove the right to the properties. Ex.P8 is the affidavit of assets marked to show the net value of estate as



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Rs.2,29,35,000/-.

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4. One of the attestors of the Will dated 11.09.2013 viz., Mr.V.Raghuram was examined as PW2. In his evidence, PW2 has stated that the testatrix executed her last Will and Testament on 11.09.2013 in his presence and in the presence of one P.R.S.Gopal. At the request of the testatrix, PW2 subscribed his signature as the second attesting witness along with P.R.S.Gopal, who attested the Will as the first attesting witness in the presence of the testatrix. While executing the Will, the testatrix was in a sound and disposing state of mind, memory and understanding. There is no next kin or other persons interested in the property.

5. From the averments made in the petition and the deposition of P.Ws.1 and 2 supported by the documents, it is clear that the petitioner has proved his claim in the manner known to law and there is no contra evidence. Hence, I am satisfied that the petitioner is entitled to the relief sought for.

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

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