



O.P.No.131 of 2022

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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 P.Aravindakshan Nair.

2. The case of the petitioner is that the petitioner is the executor named in the Will. The testator P.Aravindakshan Nair died on 22.11.2020. The petitioner is the son of the testator and the first respondent is the wife of the deceased and the second respondent is the daughter of the deceased. The deceased executed his last Will and Testament dated 10.06.2016. 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.97,95,383/- and the net amount of the assets, after deducting all items which the petitioners are by law allowed to deduct



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is of the value of Rs.97,95,383/-. Both the respondents have filed consent affidavits for grant of probate in favour of the petitioner. The petitioner undertake to duly administer the property and credits of the deceased P.Aravindakshan Nair and in any way concerning the Will by paying first his 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 P.Arvinthakshan Nair on 10.06.2016. Ex.P.1 is the original registered Will dated 10.06.2016 executed by the deceased P.Aravindakshan Nair. Ex.P.4 is the computer generated death certificate of P.Arvinthakshan Nair, the testator herein. Ex.P.5 is a copy of legal heirship certificate of the testator. Ex.P.5 indicate that the petitioner



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and the respondents are the legal heirs of the deceased P.Arvinthakshan Nair. Ex.P.2 and Ex.P.3 have been filed to show the assets standing in the name of the P.Arvinthakshan Nair. Ex.P.7 is the affidavit of assets showing the net value of the estate as Rs.97,95,383/-.

4. The first respondent has been examined as P.W.2 and she is also the first attesting witness in the Will dated 10.06.2016 executed by the testator P.Arvinthakshan Nair. In her evidence, she has stated that the testator executed his last Will and Testament on 10.06.2016 in her presence and in the presence of one K.Ramakrishnan. At the request of the testator, they have subscribed their signatures in the presence of the testator. She 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.



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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 his favour.

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

29.11.2023

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