



O.P.No.487 of 2023

O.P.No.487 of 2023

WEB COPY

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 Mrs.Kannammal.

2. The case of the petitioner is that the deceased Kannammal executed a will dated 27.10.2000, wherein, the petitioner/grand daughter of the testatrix is appointed as executor and also a beneficiary. The testatrix died on 12.07.2001. The respondents are the daughter and grand daughter of the deceased who are also the beneficiaries under the will. The respondent have filed their affidavit of consent for grant of probate of will in favour of the petitioner. 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



O.P.No.487 of 2023

and respondent hands does not exceed in the aggregate sum of Rs.40,00,000/- and the net amount of the assets, after deducting all items which the petitioner and the respondents are by law allowed to deduct is of the value of Rs.39,80,000/-. The petitioner undertakes to duly administer the property and credits of the deceased Kannammal 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 she had narrated the averments made in the petition stating that the petitioner has filed this petition for the grant of probate in her favour in respect of the Last Will and Testament executed by the testatrix on 27.10.2000. Ex.P1 is the original Will executed by the deceased Kannammal. The deceased has executed the Will on 27.10.2000. Ex.P2 is the computer generated death certificate of the deceased Kannammal. Ex.P.2 has been filed to prove that the testatrix died



O.P.No.487 of 2023

on 12.07.2001. Exs.P3 to P5 are the photocopies of the Aadhar Card of the parties in this Original Petitioner. Ex.P6 is the affidavit of assets showing the net value of estate as Rs.39,80,000/-.

4. The first attesor of the Will dated 27.10.2000 has been examined as P.W.2. P.W.2 in his evidence has stated that the testatrix executed her last Will and Testament on 27.10.2000 in his presence and in the presence of Mr.M.Gunashekar and at the request of the testatrix, the said M.Gunashekar and P.W.2 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 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.



WEB COPY



O.P.No.487 of 2023

N.SATHISH KUMAR, J.

dhk

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

21.12.2023

dhk

O.P.No.487 of 2023