



[O.P.NO.728 OF 2022](#)

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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.S.Sulochana.

2.The petitioner is the sister of the deceased. The first respondent is the sister, respondents 2 and 3 are the brothers of the deceased. Respondents 4 and 5 are the daughter and son of one Late Mr.R.Kesavan, who is also one of the brothers of the deceased. It is the case of the petitioner that the deceased had executed a Will on 11.06.2015 and the same has been registered as Document No.52 of 2015 on the file of the Sub Registrar, Mylapore. The testatrix died on 27.09.2021 and her husband pre-deceased on 15.04.2016. The only son of the deceased also pre-deceased on 18.10.2007. It is the case of the petitioner that she is one of the beneficiaries in respect of the Will executed by the deceased and she has been appointed as Executrix of the Will. Hence, the petitioner seeks grant of probate of the Will.



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3.The petitioner has examined herself as P.W.1 and she has stated about the execution of the Will by the deceased and marked Exs-P.1 to P.13. The document viz., Exs-P.1 and P.2 are filed to prove the title of the property; Ex-P.3 is the death certificate of the son of the deceased; Ex-P.4 is the original Will dated 11.06.2015 executed by the testatrix; Ex-P.5 is the death certificate of the husband of the deceased; Ex-P.6 is the legal heirship certificate of the husband of the deceased; Ex-P.7 is the death certificate of the testatrix. Exs-P.9 to P.12 are the consent affidavits given by the respondents 2, 1, 4 and 5. Ex-P.13 is the affidavit of assets showing the net value of estate as Rs.3,58,79,840/-. The third respondent has no objection and others have given consent affidavits.

4.Mr.S.A.Shanmugam, 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 testatrix Mrs.S.Sulochana, while she was in sound state of mind in the presence of one Mr.P.Subbiah. At the request of the testatrix, P.W.2 signed as first attesor to the Will. Ex-P.14 is the affidavit filed by P.W.2 in this regard.



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5.One of the attesting witnesses of the Will Mr.P.Subbiah has been examined as P.W.3, who is the second attesor to the Will. He has stated about the execution as well as the attestation of the Will by the testatrix Mrs.S.Sulochana, while she was in sound state of mind in the presence of one Mr.S.A.Shanmugam. At the request of the testatrix, P.W.3 signed as second attesor to the Will. Ex-P.15 is the affidavit filed by P.W.3 in this regard. The evidence of attesting witnesses not only prove the execution but also attestation of the Will and there is no other materials to suspect the Will.

6.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.

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

**01.11.2023**

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