



O.P.No.833 of 2019

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N.SATHISH KUMAR, J.

This petition has been filed under Sections 232 and 276 of the Indian Succession Act, 1925 read with Order XXV, Rule 5 of O.S. Rules, for the grant of Probate in respect of the last Will and Testament of the deceased S.Krishnan.

2. The case of the petitioner is that the deceased S.Krishnan executed a will dated 27.09.2006, wherein, the petitioner is the executor and the beneficiaries are the respondents / legal heirs of the testator, the testator died on 26.10.2007. The respondents 1 & 4 have filed their consent affidavit and the wife of the testator died on 11.05.2013. The deceased in sound mind had appointed the petitioner as the Executor. 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.20,20,800/- and the net amount of the assets, after deducting all items



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which the petitioner is by law allowed to deduct is of the value of Rs.20,80,800/-. The petitioner undertakes to duly administer the property and credits of the deceased S.Krishnan 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 herself 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 testator on 27.09.2006. Ex.P.1 is the original Will executed by the deceased S.Krishnan. The deceased has executed the Will on 27.09.2006. Ex.P.2 is the computer generated death certificate of the deceased S.Krishnan. Ex.P6 is the affidavit of assets showing the net value of estate as Rs.20,80,800/-. Exs.P7 & 8 are the copies of paper publications. Despite, papers publications, none objected.



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4. The first attesor of the Will dated 27.09.2006 has been examined as P.W.2. P.W.2 in his evidence has stated that the testator executed her last Will and Testament on 27.09.2006 in his presence and in the presence of Mrs.K.Lakshmi and at the request of the testator, the said Mrs.K.Lakshmi 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 her favour.

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

23.11.2023

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