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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.Radha Raghavan.

2.The petitioners, being the brother and sister of the deceased named as Executors in the Will left by the deceased and the respondent is none other than the daughter of the deceased and beneficiary under the Will. The deceased executed a Will dated 26.10.2016. The testatrix died on 06.08.2022. Hence, the petitioners seek grant of probate of the Will.

3.The first petitioner examined himself as P.W.1 and he has stated about the execution of the Will by the deceased and marked Exs-P.1 to P.5. The document viz., Ex-P.1 is the original Will dated 26.10.2016 executed by the deceased; Ex-P.2 is the death certificate of the husband of the



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deceased; Ex-P.3 is the death certificate of the testatrix; Ex-P.4 is the sale deed dated 06.05.2013 executed in favour of the deceased; Ex-P.5 is the affidavit of assets showing the net value of estate as Rs.80,00,000/-.

4.Mr.T.Madhivanan, 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 said Mrs.Radha Raghavan, while she was in sound state of mind in the presence of one Mr.U.Muthukumar. At the request of the testatrix, P.W.2 signed as first attesor to the Will. Ex-P.6 is the affidavit filed by P.W.2 in this regard. The evidence of attesting witness not only prove the 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 petitioners have proved the execution and attestation of the Will. Hence, the petitioners are entitled for the issuance of probate in favour of the petitioners.



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

10.11.2023

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