

**O.P.No.51 of 2023**

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N.SATHISH KUMAR, J.

This petition has been filed under Sections 222 and 276 of the Indian Succession Act, 1925 for the grant of Probate in respect of will left by the deceased Mr.S.Nageswaran.

2. The petitioners have been appointed as executors in the Will. The second petitioner is the adopted son of the Testator. The deceased Mr.S.Nageswaran had executed will on 14.12.1995 bequeathing the property in favour of the second petitioner and the said will was registered on 08.04.1996. Hence, the petitioners seek grant of probate.

3. First petitioner is examined as P.W.1. One of the witness P.W.2 has examined to prove the signature of the attesting witness in the Will are that of his father and uncle. According to him, both the attesting witness have already died. P.W.2 is the son of the attesting witness and he has identified the signature of the attesting witness which complies with the provisions of Section 69 of the Indian Evidence Act. Ex.P.1 was filed to show the



registered adoption deed dated 01.07.1982. Ex.P.2 is the original Will dated 14.12.1995. Ex.P.3 is the death certificate of the wife of Testator. Ex.P.4 is the Death Certificate of Testator. Ex.P.5 is the Death Certificate of first attesting witness. Ex.P.6 is the legal heir certificate of the Testator and Ex.P.7 to Ex.P.11 are filed to prove the documents relating to properties.

4. 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.

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

17.10.2023

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