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WEB CO **N.SATHISH KUMAR, J**

This Petition has been filed under Sections 222 and 276 of the Indian Succession Act read with Order XXV Rule 4 of the Original Side Rules, seeking to grant probate of the Will dated 22.04.2015 executed by Vandavasi Jayakrishnan to have effect throughout the State of Tamil Nadu.

2. This petition has been filed for grant of probate of Will executed by one late Vandavasi Jayakrishnan on 22.04.2015. The petitioner and the respondents are the daughters of the testator and 4th respondent is the grandson of the testator and the nephew of the petitioner. The petitioner is one of the Executors out of two appointed under the Will by the testator and the other Executor is the 5th respondent, who is none other than one of the sons-in-law of the Testator viz., the husband of the 1st respondent herein. The petitioner and the respondents 1 to 4 are the only legal heirs of the testator. The mother of the petitioner – V.Saroja and the parents of the testator predeceased him. The testator died on 26.02.2018 at Chennai. He was ordinarily residing at No.15/8, Patturasappa Street, Sevenwells,



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Chennai 600 001. The deceased executed the Will on 22.04.2015. The other Executor of the Will is aged 71 years and he could not travel due to his old age and therefore, the petitioner has come forward with the present petition seeking to probate the Will. He, however, executed an affidavit expressing his unconditional consent in unequivocal terms to grant probate in respect of the Estate of late Vandavasi Jayakrishnan, the testator of the Will in question. The respondents 1 to 4 have also given consent for grant of probate of the Will individually. The amount of assets which is likely to come to the petitioner's hands does not exceed in the aggregate sum of Rs.44,27,360/- and the net amount of the said assets after deducting all the items, which the petitioner is by law allowed to deduct is only of the value of Rs.44,26,360/-. The petitioner has impleaded all the next of kin of the testator and other persons interested as respondents and there is no next kin or other persons interested to be impleaded. The petitioner hereby undertakes to duly administer the specified property and credits of the deceased in any way concerning his Will by paying the debts first and then the legacies therein bequeathed so far as the assets will extend and to make full and true inventory thereof and exhibits the same in this Court within the



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six months from the date of the grant of Will annexed to the petition and also to render to this Court a true account of the said property within one year from the said date.

3. The petitioner examined himself as P.W.1 and marked Ex.P.1 to P.12. P.W.1 in his evidence had narrated the averments made in the petition stating that she has filed this petition for grant of Probate of the Last Will and Testament executed by the deceased Vandavasi Jayakrishnan on 22.04.2015. Ex.P.1 is the Will dated 22.04.2015 executed by Vandavasi Jayakrishnan. Ex.P.2 is the photocopy of the sale deed dated 18.02.1970 in favour of the testator. Ex.P.3 is the photocopy of the land register extract dated 12.05.1970 in the name of the testator. Ex.P.4 is the downloaded copy of property tax receipt dated 08.05.2018 standing in the name of the testator. Ex.P.5 is the photocopy of the property tax demand card standing in the name of the testator. Ex.P.6 is the computer generated Account Statement of Standard Chartered Bank in respect of the Account held by the testator. Ex.P.7 is the computer generated death certificate of late V.Saroja (mother of the petitioner). Ex.P.8 is the computer generated death certificate



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of the testator. Ex.P.9 is the computer generated legal heir certificate of the testator. Ex.P.10 is the photocopy of the death certificate of late V.Ramesh Babu. Ex.P.11 is the photocopy of the legal heirship certificate of late V.Ramesh Babu. Ex.P.12 is the downloaded copy of the guideline value of the property described in the Will.

4. One K.Sudhakar, who is one of the attesting witnesses in the Will, has been examined as P.W.2. In his evidence, he had stated that the testator was in sound state of mind while executing the Will and he had also seen the testator signing the Will and the other attesting witness subscribing his signature in the document. He has also stated that the testator had seen the attesting witnesses subscribing their signatures in the Will. The evidence of attesting witness not only proved the execution but also the attestation of the Will and there is no other material to suspect the Will.

5. From the averments made in the petition and the deposition of P.W.1 & P.W.2 supported by the documents, it is clear that the petitioner has proved her claim and there is no contra evidence. Hence, this court is satisfied that the petitioner is entitled to the relief as prayed for in the



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petition.

WEB COPY In the result, the Original Petition is ordered and the Will executed by

Vandavasi Jayakrishnan dated 22.04.2015 is hereby probated.

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