WEB COPY

O.P.No.719 of 2022

N.SATHISH KUMAR, J.

This petition has been filed under Sections 222 and 276 of the Indian Succession Act, 1925 read with Order XXV, Rule 4 of O.S. Rules, for the grant of Probate in respect of the last Will and Testament of the deceased Venu Gopal Menon.

2. The case of the petitioner is that the petitioner is the sole executor appointed under the Will. The testator Venu Gopal Menon died on 31.03.2021. The deceased executed his last Will and Testament dated 28.02.2018. The respondents are the sisters of the testator and they are beneficiaries under the the Will. 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.9,75,533.80/- and the net amount of the assets, after deducting all items which the petitioner is by law allowed to deduct is of the value of

https://www.mhc.tn.gov.in/judis

WEB COPY

Rs.9,75,533.80/-. The respondents have filed consent affidavits for grant of probate in favour of the petitioner. The petitioner undertake to duly administer the property and credits of the deceased Venu Gopal Menon and in any way concerning the Will by paying first his 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 himself as P.W.1 and he had narrated the averments made in the petition stating that the petitioner has filed this petition for the grant of probate in his favour in respect of the Last Will and Testament executed by the testator Venu Gopal Menon on 28.02.2018. Ex.P.1 is the copy of the death certificate of the testator. Ex.P.1 has been filed to show that the testator died on 31.03.2021. Ex.P.2 is the original registered Will dated 28.02.2018 executed by the deceased Venu Gopal Menon. Ex.P.3 is the affidavit of assets showing the net value of the estate as Rs.9,75,533.80/-.

https://www.mhc.tn.gov.in/judis

WEB COPY

4. One of the attesting witness has been examined as P.W.2 and she is the second attesting witness in the Will dated 28.02.2018 executed by the testator. In her evidence, she has stated that the testator executed his last Will and Testament on 28.02.2018 in her presence and in the presence of one Rukmani R.Viswanathan. At the request of the testator, they have subscribed their signatures in the presence of the testator. She 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 affidavit of the attesting witness is marked as Ex.P.4. 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 his favour.

https://www.mhc.tn.gov.in/judis

WEB COPY

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

13.12.2023

vrc

https://www.mhc.tn.gov.in/judis

WEB COPY

N.SATHISH KUMAR, J.

vrc

O.P.No.719 of 2022

13.12.2023

https://www.mhc.tn.gov.in/judis