

**O.P.No.959 of 2019**

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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 V. Srinivasan.

2. The case of the petitioner is that the petitioner is appointed as the executor under the Will executed by the deceased V. Srinivasan, who died on 05.12.2014 at Chennai.

2.1. The petitioner is the elder son of deceased V.Srinivasan. The petitioner and the respondents 1 to 3 are respectively daughters and son of the the deceased. The respondents 4 to 6 are the legal heirs of deceased daughter of V.Srinivasan namely, Mrs.Usha Jayaraman. The wife of V.Srinivasan already predeceased him.

2.2. The deceased V.Srinivasan died on 05.12.20214. The deceased executed his last Will and Testament on 24.10.2014 appointing the petitioner herein as the sole executor of his Will, bequeathing the schedule



mentioned property in the Will in favour of the petitioner.

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2.3 In respect of property bequeathed by the deceased V.Srinivasan, earlier, a suit was initiated by the deceased V.Srinivasan in O.S.No.12561 of 2010 before the City Civil Court, Chennai and the same was decreed in his favour. On an appeal by the defendants therein, in A.S.No.494 of 2011 before this Court, the same was decided in favour of the deceased N.Srinivasan on 29.07.2019.

2.4. There are no other class-1 legal heirs of deceased V.Srinivasan other than the petitioner and the respondents. The petitioner is the sole beneficiary under the Will.

3. Notice has been sent to the respondents, but none appeared. They neither consented, nor objected for grant of probate in favour of the petitioner.

4. The amount of assets which is likely to come into the petitioner's hands does not exceed in the aggregate sum of Rs.2,00,00,000/- 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 Rs.2,00,00,000/-.



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5. The petitioner has impleaded all the kin of the deceased and there is no other person interested to be impleaded.

6. The petitioner undertakes to duly administer the property and credits of the deceased V.Srinivasan 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. Therefore, he prayed for granting Probate of the Will dated 24.10.2014 in his favour.

7. The petitioner has examined himself as P.W.1 and marked Ex.P.1 to Ex.P.6.

8. P.W.1 in his evidence 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 V. Srinivasan on 24.10.2014. Ex.P.1 is the copy of the death certificate of the deceased V. Srinivasan. Ex.P.1 has been filed to prove that the deceased died on 05.12.2014.. Ex.P.2 is the copy of the legal heirship certificate of deceased V.Srinivasan. Ex.P.3 is the original registered Will executed by the deceased V.Srinivasan on 24.10.2014. Ex.P.4 is the affidavit assets of showing the net value of the estate of the deceased as Rs.2,00,00,000/-. Ex.P.5 is the certified copy of the order of this Court dated 29.07.2019 in A.S.No.494 of 2011.

9. One of the attestors of the Will dated 24.10.2014, viz., P.Arunkrishna was examined as P.W.2. In his evidence, P.W.2 has stated that the testator executed his last Will and Testament on 24.10.2014 in his presence and in the presence of one S.Gopi. At the request of the testator, P.W.2 subscribed his signature as first attesting witness along with the said S.Gopi, who attested the Will as the second attesting witness in the presence of the testator. While executing the Will, the testator was in a sound and disposing state of mind and in his presence, the attesting witnesses subscribed their signatures in the Will. Ex.P.6 is the affidavit filed by P.W.2 in this regard.



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10. The evidence of P.W.2 not only prove the execution but also attestation of the Will and there is no other materials to suspect the Will.

11. 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 favour of the petitioner.

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

09.10.2023

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