



WEB COPY



O.P.No.789 of 2022

O.P.No.789 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 Sushila Arajan Singh.

2. The case of the petitioner is that the petitioner is the son of the testatrix Sushila Arajan Singh. The testatrix Sushila Arajan Singh died on 08.09.2018. The petitioner is the son of the Testatrix and named executor in the Will. The first and second respondents are the sons of the Testatrix and the third respondent is the daughter of the testatrix. The husband of the testatrix predeceased her on 13.09.1993. The deceased executed her last Will and Testament dated 30.08.2014. The petitioner and the respondents are the kin of the deceased Sushila Arajan Singh and no other kin or persons interested who has to be impleaded. The amount of assets which is likely to



O.P.No.789 of 2022

come into the petitioner's hands does not exceed in the aggregate sum of Rs.2,08,00,000/- 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.2,07,90,000/-. The petitioner undertakes to duly administer the property and credits of the deceased Sushila Araján Singh and in any way concerning the Will by paying first her 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 testatrix on 30.08.2014. Ex.P.1 is the original registered Will executed by the deceased Sushila Araján Singh. The deceased has executed the Will on 30.08.2014. Ex.P.2 is the copy of the death certificate of the deceased Sushila Araján Singh. Ex.P.2 has been



O.P.No.789 of 2022

filed to prove that the deceased died on 08.09.2018. Ex.P.3 is the legal heirship certificate of the testatrix. Ex.P.4 is the copy of the death certificate of husband of the testatrix. Ex.P.4 shows that the husband of the testatrix predeceased her on 13.09.1993.

4. One of the attestors of the Will dated 30.08.2014 viz., Kaamna R.Bathija was examined as P.W.2. In her evidence, P.W.2 has stated that the testatrix executed her last Will and Testament on 30.08.2014 in her presence and in the presence of one Sunil Kalra. At the request of the testatrix, P.W.2 subscribed her signature as first attesting witness along with the said Sunil Kalra, who attested the Will as the second attesting witness in the presence of the testatrix. While executing the Will, the testatrix was in a sound and disposing state of mind and in her presence the attesting witnesses subscribed their signature in the Will. Ex.P.7 is the affidavit filed by Sunil Kalra in this regard. 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.



O.P.No.789 of 2022

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 favour of the petitioner.

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

03.10.2023

vrc



WEB COPY



O.P.No.789 of 2022

N.SATHISH KUMAR, J.

vrc

O.P.No.789 of 2022

03.10.2023