



O.P.No.47 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 read with Order XXV, Rule 4 of Original Side Rules, for the grant of Probate in respect of the last Will and Testament of the deceased Mrs.Valliyil Indira Devi alias V.Indira Devi

2.In the petition, it is stated that the petitioners are the sister's sons of testatrix, namely Valliyil Indira Devi alias V.Indira Devi, who left the Will dated 12.04.2017. The petitioners were appointed as executors in the said Will and as per the said Will, the petitioners are entitled to 1/3rd share, 2/3rd share should go to Jeevodaya Public Charitable Trust, Tamilnadu Kidney Foundation and Balvihar, a charitable organization who are respondents 1, 2 and 3 and as far as the movable are concerned, the same has to be given to the fourth respondent. The present petition has been filed seeking probate of the Will dated 12.04.2017.

3. To prove the Will, the first petitioner was examined as PW1 and 14 documents were marked as Exs.P1 to P14.



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4. 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 testatrix Valliyil Indira Devi alias V.Indira Devi on 12.04.2017. Ex.P.1 is the copy of the death certificate of the testatrix Valliyil Indira Devi alias V.Indira Devi. Ex.P.1 has been filed to prove that the deceased died on 18.04.2022. Ex.P.2 is the original Will dated 12.04.2017 left by Valliyil Indira Devi alias V.Indira Devi . Ex.P.2 has been executed by the deceased on 16.06.2004. Ex.P.3 is the copy of the death certificate of Mr.C.Vijayakrishnan, husband of the testatrix, Ex,P4 is the photocopy of the legal heirship certificate of Mr.C.Vijayakrishnan. Exs.P6 to P10 were marked to prove the title to the property. Fourth respondent has also given a consent affidavit, which has been marked as Ex.P11. Ex.P12 is the affidavit of assets was marked to show the net value of estate as Rs.1,72,00,000/-. Exs.P13 and P14 are the affidavits of attestors in which it has been stated that while executing the Will, the testatrix was in a sound and disposing state of mind. He has also stated that the testatrix has seen the attesting



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witnesses subscribing their signature in the Will. The evidence of attesting witness not only prove the execution but also attestation of the Will and there is no other materials to suspect the Will.

4. From the averments made in the petition and the deposition of P.W.1 supported by the documents, it is clear that the petitioners have proved their claim and there is no contra evidence. Hence, I am satisfied that the petitioners are entitled to the relief sought for.

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

04.10.2023

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