



WEB COPY



O.P.No.200 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 O.S. Rules, for the grant of Probate in respect of the last Will and Testament of the deceased K.E.Aruna.

2. The case of the petitioner is that the petitioners are the executors name in the Will. The testatrix K.E.Aruna died on 02.06.2020. The petitioners are nephew of the Testatrix and named executors in the Will. The respondent is daughter of the Testatrix and the only beneficiary of the Will. The husband of the testatrix, viz., Pallikkarana Thirumala Rangarajan also died on 11.07.2020. The deceased executed her last Will and Testament dated 29.02.2020. The respondent is the kin of the deceased K.E.Aruna and 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



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not exceed in the aggregate sum of Rs.1,00,00,000/- and the net amount of the assets, after deducting all items which the petitioners are by law allowed to deduct is of the value of Rs.1,00,00,000/-. The petitioners undertake to duly administer the property and credits of the deceased K.E.Aruna 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 petitioners 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 second petitioner examined himself as P.W.1 and he had narrated the averments made in the petition stating that the petitioners have filed this petition for the grant of probate in their favour in respect of the Last Will and Testament executed by the testatrix on 29.02.2020. Ex.P.1 is the original registered Will executed by the deceased K.E.Aruna. The deceased has executed the Will on 29.02.2020. Ex.P.2 is the copy of the death certificate of the deceased K.E.Aruna. Ex.P.2 has been filed to prove that the deceased died on 02.06.2020. Ex.P.3 is the computer generated



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death certificate of the husband of the Testatrix, viz., Thirumala Rangarajan and he died on 11.07.2020.

4. The attestors of the Will dated 29.02.2020 have been examined as P.W.2 to P.W.5. In their evidence, they have stated that the testatrix executed her last Will and Testament on 29.02.2020 in their presence and at the request of the testatrix, they have subscribed their signatures first attesting witnesses 1, 2, 5 and 6 in the presence of the testatrix. They have further deposed that 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. The evidence of P.W.1 to P.W.5 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 petitioners have proved the execution and attestation of the Will. Hence, the petitioners is entitled for the issuance of probate in favour of the petitioners.



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

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