



[O.P.NO.640 OF 2022](#)

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N.SATHISH KUMAR, J.

This Original Petition has been filed under Sections 222 and 276 of the Indian Succession Act, 1925, read with Order XXV Rule 4 of the Madras High Court Original Side Rules, for grant of probate in respect of the Last Will and Codicil of the deceased Surendra M. Mehta.

2.The petitioner is the son of the deceased and the respondents are the sisters of the petitioner. It is the case of the petitioner that the father of the petitioner, while he was in sound state of mind, had executed a Will and Testament and Codicil to the Last Will and Testament on 20.02.2014 and 18.05.2016 respectively and the Last Will and Testament was registered as Document No.13/2014 at the Office of the Sub Registrar, Periamet, Chennai and the Codicil to the Last Will was registered as Document No.33/2016 on 18.05.2016 at the Office of the Sub Registrar, Periamet and the petitioner was appointed as Executor of the Will. Hence, the petitioner seeks grant of probate of the Will.



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3.The petitioner examined himself as P.W.1 and he has stated about the execution of the Will and Codicil by the deceased and the attestation by witnesses and marked Exs-P.1 to P.6. The document viz., Ex-P.1 is the original registered Will and Testament dated 20.02.2014 executed by the deceased; Ex-P.2 is the registered Codicil dated 18.05.2016 executed by the deceased; Ex-P.3 is the computer generated death certificate of the deceased; Ex-P.4 is the computer generated legal heirship certificate of the deceased; Ex-P.6 is the affidavit of assets showing the net value of the estate as Rs.3,00,00,000/-. The respondents have filed consent affidavits.

4.One of the attesting witnesses of the Will Mr.J.Selvin, has been examined as P.W.2, who is the second attesor to the Will. He has stated about the execution as well as the attestation of the Will by the testator Surendra M. Mehta, while he was in sound state of mind in the presence of one Mr.Naresh M. Mehta. At the request of the testator P.W.2 signed as second attesor to the Will. Ex-P.7 is the affidavit filed by P.W.2 in this regard.



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5.Mr.S.Sivakumar, one of the attesting witnesses of the Codicil has been examined as P.W.3. He has stated about the execution as well as the attestation of the Codicil by the testator Surendra M. Mehta, while he was in sound state of mind in the presence of one Mr.S.Maheshwaran. At the request of the testator, P.W.3 signed as second attester to the Codicil. Ex-P.8 is the affidavit filed by P.W.3 in this regard. The evidence of attesting witnesses not only prove the execution but also attestation of the Will and Codicil and there is no other materials to suspect the Will and Codicil.

6.In view of the above facts, I am of the view that the petitioner has proved the execution and attestation of the Will and Codicil. Hence, the petitioner is entitled for the issuance of probate in favour of the petitioner.

7.The Original Petition is ordered. Grant probate of the Will and Codicil in respect of the petitioner.

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