

**O.P.No.811 of 2021**

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N.SATHISH KUMAR, J.

This petition has been filed under Sections 222 and 276 of the Indian Succession Act, 1925 for the grant of Probate in respect of will left by the deceased Mr.N.Raghavan.

2. The petitioner is the deceased younger brother's daughter-in-law. The first respondent is the sister of the deceased. The second to fourth respondents are the children of the deceased younger brother. The fifth and sixth respondents are sons of the petitioner. The deceased Mr.N.Raghavan died on 29.09.2019 and his wife deceased on 22.04.1998. They had no issues between them. The deceased Mr.N.Raghavan had left the will dated 30.11.2017, while he as in sound state of mind bequeathing the property in favour of the sixth respondent, wherein the petitioner was appointed as executor. Hence, the petitioner has filed this application for grant of probate.



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3. The first, second and fourth respondents did not appear before this Court despite service of notice. The third, fifth and sixth respondents have no objection for grant of probate.

4. The petitioner, herself was examined himself as PW-1 and Exhibits P1 to P15 marked.

5. Ex.P.1 is the original registered Will and Testament dated 30.11.2017 executed by Mr.N.Raghavan. Ex.P.2 is filed to prove the death of Mr.N.Raghavan. Ex.P.3 is the Deed of Sale dated 18.02.1959. Ex.P.4 is filed to prove the death certificate of K.R.Narayanan, deceased father of the Testator. Ex.P.5 is the Memorandum of Agreement dated 17.02.1995. Ex.P.6 is the death certificate of Mother of deceased and the legal heirs are marked as Ex.P.7. Ex.P.8 is the death certificate of Mrs.K.S.Thangam, Wife of the Testator. Legal heir Certificate is marked as Ex.P.9. Ex.P.10 is the death certificate filed to prove the death of Mr.N.Subbramanees. Ex.P.11 is also filed to prove the another brother of deceased. Ex.P.12 is filed to prove the death of the mother-in-law of the petitioner. Ex.P.13 is filed to prove the



Legal Heir Certificate. Ex.P.14 and P.15 are the communications dated 15.05.2018 and 15.09.2013. P.W.2, the first attesting witness is examined.

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

6. 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.

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

16.10.2023

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4

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