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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 Testament of the deceased Mr.A.M.Prabhakaran.

2.The petitioner is the Executor named in the Will executed by the deceased. The first respondent is the wife and respondents 2 to 4 are the children of the deceased A.M.Prabhakaran. The testator executed a Will dated 28.12.1992 and registered as Document No.122/1993 in the Office of the Thiyyagaraya Nagar Sub Registrar Office. The deceased died on 15.10.1993 leaving behind him the respondents herein as his legal heirs. Hence, the petitioner seeks grant of probate of the Will.

3.The petitioner examined himself as P.W.1 and he has stated about the execution of the Will by the deceased and marked Exs-P.1 to P.11 through Advocate Commissioner. Ex-P.1 is the Deed of Declaration executed



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by the deceased; Ex-P.2 is the Memorandum of Lease cum License Agreement; Ex-P.3 is the Will dated 28.12.1992; Ex-P.4 is the death certificate of the deceased; Ex-P.5 is the legal heir certificate of the deceased; Exs-P.6, P.7, P.8, P.9 and P.10 are filed to prove the title of the property.

4.Mr.A.S.Udayashankar, one of the attesting witnesses of the Will has been examined as P.W.2. He has stated about the execution as well as the attestation of the Will by the said Mr.A.M.Prabhakaran while he was in sound state of mind in the presence of the petitioner Bhavani Shankar. At the request of the testator, P.W.2 signed as first attester to the Will. Ex-P.12 is the affidavit filed by P.W.2 in this regard. The respondents have filed consent affidavits. 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.

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.



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

12.12.2023

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