O.P.No.21 of 2024

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 Smt.C.H.Susheela Rani.

2. The case of the petitioner is that the deceased Smt.C.H.Susheela Rani executed a will dated 30.01.2020, wherein, the petitioner/daughter in law of the testatrix is appointed as executor. The testatrix died on 07.11.2023. The first respondent is the husband and the respondents 2 to 4 are the daughters and son of the testatrix, who are the beneficiaries under the will. The respondents have filed their affidavit of consent for grant of probate of will in favour of the petitioner. There is 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 not exceed in the aggregate sum of

Rs.25,95,00,000/- and the net amount of the assets, after deducting all items which the petitioner is by law allowed to deduct is of the value of Rs.7,77,73,044/-. The petitioner undertakes to duly administer the property and credits of the deceased Smt.C.H.Susheela Rani 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 petitioner 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 petitioner examined herself as P.W.1 and she had narrated the averments made in the petition stating that the petitioner has filed this petition for the grant of probate in her favour in respect of the Last Will and Testament executed by the testatrix on 30.01.2020. Ex.P1 is the computer generated death certificate of the deceased Smt.C.H.Susheela Rani. Ex.P.1 has been filed to prove that the testatrix died on 07.11.2023. Ex.P2 is the computer generated legal heir certificate of Smt.C.H.Susheela Rani. Ex.P.3 is the original registered Will executed by the deceased Smt.C.H.Susheela

Rani. The deceased has executed the Will on 30.01.2020. Ex.P4 is the affidavit of assets showing the net value of estate as Rs.7,77,73,044/-. Ex.P5 is the ledger account issued by the Chartered Accountant in respect of Smt.C.H.Susheela Rani.

4. The second attestor of the Will dated 30.01.2020 has been examined as P.W.2. P.W.2 in his evidence has stated that the testatrix executed her last Will and Testament on 30.01.2020 in his presence and in the presence of the petitioner/Mrs.K.Kamala and at the request of the testatrix, the petitioner and P.W.2 have subscribed their signatures in the presence of the testatrix. He has 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 and P.W.2 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 petitioner has proved the execution and attestation of the Will. Hence, the petitioner is entitled for the issuance of probate.

N.SATHISH KUMAR, J.

dhk

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

12.01.2024

dhk

O.P.No.21 of 2024