



O.P.No.382 of 2022

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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 Pudukai Hari Swamy Hari.

2. This petition has been filed for grant of probate in respect of the Will of one Pudukai Hari Swamy Hari executed on 22.11.2019 while he was in sound state of mind. The petitioner is the executor named in the Will. The respondents are wife, son and daughters of the testator and they are the beneficiaries under the Will. The testator died on 08.03.2020. There is no other kin to be impleaded in this petition. The amount of assets which is likely to come to the hands of the petitioner does not exceed in the aggregate sum of Rs.7,18,14,200/- and the net amount of the said assets after deducting all the items, which the petitioner is by law allowed to deduct is



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only of the value of Rs.7,18,14,200/-. The petitioner undertake to duly administer the property and credits of the deceased Pudukai Hari Swamy Hari and in any way concerning the Will by paying first his 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 himself as P.W.1 and he had narrated the averments made in the petition stating that the petitioner has filed this petition for the grant of probate in his favour in respect of the Last Will and Testament executed by the testator Pudukai Hari Swamy Hari on 22.11.2019. Ex.P.2 is the original Will executed by the testator. Ex.P.3 is the computer generated death certificate of the testator. Ex.P.3 has been filed to show that the testator Pudukai Hari Swamy Hari died on 08.03.2020. Ex.P.5 is the computer generated Legal Heir Certificate of the testator. Ex.P.4 shows that the respondents are the legal heirs of the testator. Ex.P.1, Ex.P.6, and Ex.P.7 have been filed to show the assets of



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the testator **Pudukai Hari Swamy Hari**. Ex.P.9 is the affidavit of assets showing the net value of the estate as Rs.7,18,04,200/-. P.W.1 has not been cross examined by the respondents and the learned counsel appearing for the respondents has made an endorsement to the effect that there is no oral evidence on the side of the respondents 2 and 3.

4. One R.Ganesan, who is the first attesting witness in the Will, has been examined as P.W.2. In his evidence, P.W.2 has stated that the testator executed his last Will and Testament on 22.11.2019 in his presence and in the presence of T.R.Seshadri, who is the second attesting witness in the Will. At the request of the testator, the attesting witnesses have subscribed their signatures in the presence of the testator. He has further deposed that while executing the Will, the testator was in a sound and disposing state of mind and in his presence the attesting witnesses subscribed their signature in the Will. The affidavit of the attesting witness is marked as Ex.P.10. 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



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proved the execution and attestation of the Will. Hence, the petitioner is entitled for the issuance of probate in their favour.

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

21.03.2024

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