



O.P.No.819 of 2022

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C.V.KARTHIKEYAN,J.

This Original Petition has been filed under Sections 222 and 276 of the Indian Succession Act, 1925 along with the relevant rules of the Original Side of Madras High Court seeking probate of a Will dated 02.03.2016 registered as Doc. No.30/III/2016 in the office of the Joint Registrar – I, Coimbatore, executed by the father of the petitioner, R.Seshasayeee who died on 31.12.2019. The respondent is the sister of the petitioner. She did not raise any objection for grant of probate.

2.The learned counsel however stated that there are some issues with respect to bequeath, but relating to which a civil suit is separately pending. I am not entering into any discussion about the title of the property. But no issues have been raised that the testator did not have a right to execute the Will and with respect to the properties mentioned in the Will. If that be so, then Section 263 of the Indian Succession Act, 1925 would be attracted. But that is not the issue here.



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C.V.KARTHIKEYAN,J.

smv

3.After following due procedure, the petitioner was directed to tender evidence and accordingly, he examined himself as PW-1. The original Will dated 02.03.2016 was marked as Ex.P1. The death certificate and legal heirship certificates of his mother were marked as Exs.P2 and P3. The death certificate of his father was marked as Ex.P4. The petitioner also examined, Mr.C.Rajendran, the first attesting witness to the Will who identified the Will and stated that at the time of execution of the Will, the testator was in a sound state of mind. He also stated that he and other attesting witness were both physically present at the time of execution of the Will and also signed the Will in the presence of the testator, who also affixed his signature in their presence. His affidavit was marked as Ex.P6.

4.In view of the evidence adduced, this Original Petition stands allowed. The probate may be issued in favour of the petitioner in accordance with the rules.

29.07.2024

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