O.P.No.673 of 2023

**N.SATHISH KUMAR, J.**

This petition has been filed under Sections 222 and 276(1) 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 Mrs.Deepika Ravindranath Chary.

2. Heard the learned counsel for either side and perused the materials placed on record.

3. The case of the petitioner is that the deceased Deepika Ravindranath Chary executed a will dated 13.03.2021 bequeathing the schedule mentioned properties in favour of the respondent herein. The petitioner is the husband and the respondent is the daughter of the deceased. The petitioner is the executor of the will. The respondent is the sole beneficiary of the will. The testatrix died on 25.05.2022. The parents of the deceased predeceased her. 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.5,53,20,160/- 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.5,53,00,160/-. The petitioner undertakes to duly administer the property and credits of the deceased Deepika Ravindranath Chary 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.

4. The petitioner examined himself as P.W.1 and he had narrated the averments made in the petition stating that he has filed this petition for the grant of probate in his favour in respect of the Last Will and Testament executed by the testatrix on 13.03.2021. Ex.P.8 is the original unregistered will executed by the deceased. The deceased has executed the Will on 13.03.2021. Ex.P.9 is the computer generated death certificate of the deceased. Ex.P10 is the computer generated legal heir certificate of the

deceased. Ex.P18 is the affidavit of assets showing the net value of estate as Rs.5,53,00,160/-.

5. The second attestor of the Will dated 13.03.2021 has been examined as P.W.2. P.W.2 in his evidence has stated that the testatrix executed his last Will and Testament on 13.03.2021 in his presence and in the presence of Mrs.Anuradha Subramanian and at the request of the testatrix, the said Mrs.Anuradha Subramanian 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.

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 his favour.

**N.SATHISH KUMAR, J.**

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

22.03.2024

dhk

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