

O.P.No.114 of 2023

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RMT.TEEKAA RAMAN,J.,

This original petition has been filed taking advantage of Sections 232 and 276 of the Indian Succession Act,1925 along with relevant rules of the Original Side of Madras High Court seeking grant of Letters of Administration with Will annexed of K.M.Cherian @ Keerakattil Mathunny Cherian, who had died on 18.07.2012.

2.The petitioner is the youngest son of deceased K.M.Chерian @ KeerakattilMathunny Cherian. He was married to Baby Cherian and they had 5 sons out of their wedlock. He died 05.09.2000 at his residence i.e., New No.29, Old No.47, Mc Nichols Road, Chetpet, Chennai - 600 031. The death certificate of K.M.Chерian issued by the Corporation of Chennai is filed herewith to prove the factum of his death. The deceased left behind the following people as his surviving legal heirs.

<i>S.No.</i>	<i>Name</i>	<i>Relationship</i>
1.	Baby Cherian	Wife
2.	Mathew Cherian	Son
3.	Jacob Cherian	Son
4.	Samuel Cherian	Son
5.	George Cherian	Son
6.	Abraham Cherian	Son



3. The deceased K.M.Cherian was possessed of and left immovable property within Chennai & within the jurisdiction of this Court.

4. The attestors of the said Will are Mrs.Baby Cherian, who is the wife of the deceased and Jacob Cherian, who is the 2nd son of the deceased. Both the attestors are dead as on this date.

5. After following due procedure, the petitioner is invited to tender evidence. Accordingly, the 1st petitioner was examined as PW-1 and Exs.P1 to P13 have been marked

6. The following documents were marked through P.W.1. are as follows:

<i>Sl. No.</i>	<i>Exhibits</i>	<i>Documents</i>
1.	Ex.P1	Death certificate of Mr.K.M.Cherian
2.	Ex.P2	Legal heirship certificate of Mr.K.M.Cherian
3.	Ex.P3	Certified copy of the sale deed dated 15.09.1948 executed in favour of Mr.K.M.Cherian
4.	Ex.P4	Original unregistered Will dated 22.06.1992 executed by Mr.K.M.Cherian
5.	Ex.P5	Death certificate of Mrs.Baby Cherian
6.	Ex.P6	Death certificate of Mr.Mathew Cherian
7.	Ex.P7	Death certificate of Mr.Jacob Cherain
8.	Ex.P8	Death certificate of Mr.K.George Cherian
9.	Ex.P9	Death certificate of Mrs.Cissy George
10.	Ex.P10	Paper publication effected in one issue of Tamil Daily "Makkal Kural" dated 10.02.2024
11.	Ex.P11	Paper Publication effected in one issue of English Daily "Trinity Mirror" dated 16.02.2024



<i>Sl. No.</i>	<i>Exhibits</i>	<i>Documents</i>
12.	Ex.P12	Affidavit of assets showing the net value of the estate as Rs.5,00,00,000/-
13.	Ex.P13	Affidavit of Anne Jacob

7. Taking into consideration of the pleadings, the execution of the Will has been proved in the manner known to law as contemplated under the Indian Succession Act and Indian Evidence Act and there is no impediment for grant of Will itself and hence, I am inclined to grant probate in favour of the petitioner.

8. With the above observations, this Original Petition stands allowed. The petitioner is directed to duly administer the properties and credits of the deceased more clearly described in the schedule. The petitioner is directed to execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) in favour of the Assistant Registrar (O.S.II) High Court, Madras. The petitioner is further directed to render true and correct accounts once in a year.

04.09.2024

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RMT.TEEKAA RAMAN,J.,



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