



O.P.No.300 of 2023

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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 P.Venkataramana Rao in favour of the petitioner.

2. The case of the petitioner is that the petitioner is appointed as the executrix under the Will executed by P.Venkataramana Rao dated 01.12.2012. The petitioner is the wife of the testator and the respondents are their son and daughter. The testator P.Venkataramana Rao died on 24.06.2022. The deceased executed his last Will and Testament dated 01.12.2012 while he was in sound state of mind. The petitioner and the respondents are the class I legal heirs of the testator. There is no other kin or persons interested who has to be impleaded. The respondents have filed consent affidavits for grant of Letters of Administration in favour of the petitioner. The amount of assets which is likely to come into the petitioner's



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hands does not exceed in the aggregate sum of Rs.50,00,000/- 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.50,00,000/-. The petitioner undertake to duly administer the property and credits of the deceased P.Venkataramana Rao 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 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 testator P.Venkataramana Rao on 01.12.2012. Ex.P.1 is the original Will executed by the testator. Ex.P.4 is the computer generated death certificate of the testator. Ex.P.4 has been filed to show that the testator P.Venkataramana Rao died on 24.06.2022. Ex.P.5 is the



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computer generated legal heirship certificate of the testator. Ex.P.5 shows that petitioner and the respondents are the legal heirs of the testator. Ex.P.2 and Ex.P.3 have been filed to prove the assets of the testator. Ex.P.8 is the affidavit of assets showing the net value of the estate as Rs.50,00,000/-.

4. Mr.G.Sathya Narayan, who is son of one of the attesting witness, Mr.D.Gajapathy, has been examined as P.W.2. In his evidence, P.W.2 has deposed that his father has signed as the second attesting witness in the Will. He has further deposed that his father is no more and he has identified the signature of the testator and his father in the Will. The death certificate of D.Gajapathy, who is the second attesting witness in the Will, has been marked as Ex.P.6. 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 in his favour.



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

13.03.2024

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