



O.P.No.348 of 2022

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N.SATHISH KUMAR, J.

This petition has been filed under Sections 232 and 276 of the Indian Succession Act, 1925 read with Order XXV, Rule 5 of O.S. Rules, for the grant of Probate in respect of the last Will and Testament of the deceased Saroj Sharma.

2. Originally the property was owned by the deceased Saroj Sharma and the respondent. The deceased is having 50% of share in the properties. As far as the said 50% is concerned, the deceased has executed a registered will dated 23.07.2010 bequeathing the properties in favour of the petitioners, who are the daughters of the deceased. The testatrix died on 07.12.2020. The husband of the testatrix predeceased her on 14.01.1996. The respondent has been examined as R.W.1. and he has stated that he has no objection for grant of probate to the petitioners. There is no other kin or persons interested who has to be impleaded. The amount of assets which is



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likely to come into the petitioners' hands does not exceed in the aggregate sum of Rs.3,00,00,000/- 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.3,00,00,000/-. The petitioners undertake to duly administer the property and credits of the deceased Saroj Sharma 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 petitioners 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 first petitioner examined herself as P.W.1 and she had narrated the averments made in the petition stating that the petitioners have filed this petition for the grant of probate in their favour in respect of the Last Will and Testament executed by the testator on 23.07.2010. Ex.P.1 is the computer generated death certificate of the deceased Ms.Saroj Sharma. Ex.P2 is the computer generated legal heirship certificate of the deceased. Ex.P3 is filed to prove that the husband of the deceased pre-deceased her.



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Ex.P4 is the original Will executed by the deceased Saroj Sharma. The deceased has executed the Will on 23.07.2010. Ex.P5 is the consent affidavit given by the respondent. Exs.P5 to P8 are the certified copy of the sale deeds.

4. The respondent examined himself as R.W.1 and he had narrated the averments made in the petition stating that he has no objection in grant of probate to the petitioners.

5. The second attester of the Will dated 23.07.2010 has been examined as P.W.2. P.W.2 in his evidence has stated that the testatrix executed her last Will and Testament on 23.07.2010 in his presence and in the presence of Mr.Vivek Kaura and at the request of the testatrix, the said Mr.Vivek Kaura and P.W.2 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 evidence of P.W.1 and P.W.2 not only prove execution but also attestation of the Will



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and there is no other materials to suspect the Will.

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6. In view of the above facts, I am of the view that the petitioners have proved the execution and attestation of the Will. Hence, the petitioners are entitled for the issuance of probate in their favour.

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

04.01.2024

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