



O.P.No.639 of 2022

O.P.No. 639 of 2022

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 Original Side Rules to allow the petitioners to prove the WILL dated 09.06.1997, registered as document No. 33 of 1997 registered before the Sub Registrar Office, Triplicane in common form, and to grant probate thereof.

2. The petitioners are the executors named in the said WILL. The WILL was executed by their father V.G. Subbaraman known as V. Ganapathy Subbaraman/testator. The respondent is the mother of the petitioners and the beneficiary in respect of 1/3 share of the testator. The testator died on 18.12.2018, hence the petitioners being executors seek probate. The 2nd petitioner was examined as PW1 and exhibits P1 to P10 were marked. Ex.P1 – Certified copy of the Deed of Partition and Mutual release, dated 27.09.1955 filed to show the title of the property, Ex.P3 - Original WILL executed by the testator dated 09.06.1997, Ex.P4 – Copy of the Death Certificate, dated 31.12.2018 filed to prove the death of the testator.



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3. One of the attesting witness of the WILL dated 09.06.1997 was examined as P.W.2. He had deposed in his evidence that the testator executed his last WILL and Testament on 09.06.1997 in his presence and he had had subscribed his 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 witness subscribed the signature in the WILL. The evidence of P.W.2 not only prove the execution but also attestation of the WILL and there is no other materials to suspect the WILL.

4. 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.

5. The Original Petition is ordered. Grant probate of the WILL in respect of the petitioners.

10.01.2024

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