



O.P.No.390 of 2018

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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 Original Side Rules to allow the petitioner to prove the Will dated 11.02.1998, registered as document No. 9 of 1998 registered before the Sub Registrar Office, Madras South in common form, and to grant probate thereof.

2. The petitioner is the executor named in the Will dated 11.02.1998 executed by late Mr.S.Radhakrishnan Nayar. The beneficiaries are the respondents 8, 9 and 18 and other respondents are Class II legal heirs and they have also filed consent affidavits. The respondents 8, 9 and 18 have no objection for grant of probate.

3. The petitioner was examined as PW1 and Exs.P1 to P5 were marked. Ex.P1 is the Registered Will dated 11.02.1998 executed by late S.Radhakrishnan Nayar, Ex.P2 is the Death Certificate of the Testator dated 13.09.2016 and Ex.P5 is the title of the property owned by S.Radhakrishnan Nayar. One of the attesting witness, namely Mr.Sohail Sarooshi was



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examined as PW2 and he has spoken about the execution of the Will by Mr.S.Radhakrishnan Nayar. PW2 deposed that while executing the Will, the testator was in a sound disposing state of mind and in his presence, the attesting witness subscribed the signature in the Will. The evidence of PW2 not only prove the execution, but also attestation of the Will and there is no other materials to suspect the Will. The other respondents also have no objection and they have given consent affidavits.

4. In view of the above facts, I am of the view that the petitioner has proved the execution and attestation of the Will in the manner known to law. Hence, the petitioner is entitled for the issuance of probate in his favour.

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

12.01.2024

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