



O.P.No.383 of 2023

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WEB CO **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 Late Saradha.

2. Heard the learned counsel for either side and perused the materials placed on record.

3. The case of the petitioner is that the deceased Saradha executed a will dated 21.05.1998 bequeathing the schedule mentioned properties in favour of the petitioner, the respondents 1 to 3 and Late Ramachandran. The parents and the husband of the deceased pre-deceased her. The petitioner is the grandson of the deceased and the Executor. The first respondent is the deceased sister's daughter and the respondents 2 and 3 are the deceased sister's grandson and grand daughter and one Mr.Ramachandran is the testator's sister son. The said Ramachandran died leaving behind his wife



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and daughters, namely the respondents 4 to 8. The testatrix died on 13.12.2020. The respondents have filed their consent affidavit in granting probate in favour of the petitioner. There is no other kin or persons interested who has to be impleaded. The amount of assets which is likely to come into the petitioner's hands does not exceed in the aggregate sum of Rs.63,83,090/- 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.63,83,090/-. The petitioner undertakes to duly administer the property and credits of the deceased Saradha 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 petitioner and also to render to this Court a true account of the said property and credits within one year from the said date.

4. The petitioner examined himself as P.W.1 and he had narrated the averments made in the petition stating that he has filed this petition for the grant of probate in his favour in respect of the Last Will and Testament



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executed by the testatrix on 21.05.1998. Ex.P.1 is the original registered will executed by the deceased. The deceased has executed the Will on 21.05.1998. Ex.P.3 is the computer generated death certificate of the deceased. Ex.P4 is the computer generated death certificate of Mr.Ramachandran. Ex.P5 is the computer generated legal heir certificate of the Mr.Ramachandran. Ex.P6 is the affidavit of assets showing the net value of estate as Rs.63,83,090/-.

5. The first attesor of the Will dated 21.05.1998 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 21.05.1998 in his presence and in the presence of Mr.V.Ramesh and at the request of the testatrix, the said Mr.V.Ramesh and P.W.2 have subscribed their signatures in the presence of the testatrix. He has further deposed that while executing the Will, the testatrix was in a sound and disposing state of mind and in her 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 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 petitioner has proved the execution and attestation of the Will. Hence, the petitioner is entitled for the issuance of probate in his favour.

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

28.03.2024

dhk

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