



O.P.No.676 of 2023

O.P.No.676 of 2023

WEB COPY

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 M.Arumugam.

2. The case of the petitioner is that the deceased M.Arumugam executed a will dated 15.09.1999, wherein, the petitioner is appointed as executor and a beneficiary and the respondents 1 to 3 are also the beneficiaries and the testator died on 22.10.2021. The wife of the deceased died on 20.08.2023. The petitioner and the respondents 1 to 5 are the brothers and sister and legal heirs of late M.Arumugam. The respondents 6 to 9 are the wife and sons and daughter of M.Veluchami, one of the brother of the deceased. 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.1,75,00,000/- and the net



O.P.No.676 of 2023

amount of the assets, after deducting all items which the petitioner by law allowed to deduct is of the value of Rs.1,75,00,000/-. The petitioner undertakes to duly administer the property and credits of the deceased M.Arumugam 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 himself as P.W.1 and he had narrated the averments made in the petition stating that the petitioner has filed this petition for the grant of probate in his favour in respect of the Last Will and Testament executed by the testator on 15.09.1999. Ex.P.1 is the original will dated 15.09.1999 executed by the deceased. Ex.P3 is the original unregistered document confirming family arrangement between Mr.M.Arumugam and his three brothers dated 10.03.1972. Ex.P5 is the computer generated death certificate of Mr.M.Velusamy Natar. Ex.P7 is the



O.P.No.676 of 2023

computer generated death certificate of the deceased. Ex.P8 is the computer legal heir certificate of the deceased. Ex.P9 is the computer generated death certificate of Mrs.A.Indhira. Ex.P10 is the affidavit of assets showing the net value of estate as Rs.1,75,00,000/-.

4. Both the attesting witnesses namely Mrs.Chitra and Mr.Raj Muthukumar of Will dated 15.09.1999 have been examined as P.W.2 and P.W.3. P.W.2 and P.W.3 in their evidence has stated that the testator executed his last Will and Testament on 15.09.1999 in their presence and at the request of the testator, both P.W.2 and P.W.3 have subscribed their signatures in the presence of the testator. They had 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, P.W.2 and P.W.3 not only prove the execution but also attestation of the Will and there is no other materials to suspect the Will.



WEB COPY



O.P.No.676 of 2023

N.SATHISH KUMAR, J.

dhk

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 favour of the petitioner.

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

12.02.2024

O.P.No.676 of 2023