



O.P.No.588 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 Sirish K.Mehta.

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 Sirish K.Mehta executed a will dated 14.10.2019 bequeathing the schedule mentioned properties in favour of the respondents 4 to 7 herein. The petitioner is the son of the deceased and the executor of the will. The respondents 1 to 3 are the wife and daughters of the deceased. The respondents 4 to 7 are the grandchildren of the deceased. The testator died on 15.01.2021. 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



O.P.No.588 of 2023

the aggregate sum of Rs.1,87,14,038.94/- 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.1,87,14,038.94/-. The petitioner undertakes to duly administer the property and credits of the deceased Sirish K.Mehta 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.

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 executed by the testator on 14.10.2019. Ex.P.3 is the original unregistered will executed by the deceased. The deceased has executed the Will on 14.10.2019. Ex.P.4 is the computer generated death certificate of the deceased. Ex.P5 is the computer generated legal heir certificate of the deceased. Ex.P9 is the affidavit of assets showing the net value of estate as



O.P.No.588 of 2023

Rs.1,87,14,038.94/-.

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5. The first attesor of the Will dated 14.10.2019 has been examined as P.W.2. P.W.2 in his evidence has stated that the testator executed his last Will and Testament on 14.10.2019 in his presence and in the presence of Mr.Kirit Gandhi and at the request of the testatrix, the said Mr.Kirit Gandhi 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 and there is no other materials to suspect the Will.

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.



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O.P.No.588 of 2023

N.SATHISH KUMAR, J.

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

dhk

28.03.2024

O.P.No.588 of 2023