O.P.No.435 of 2023

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 P.Prasanth Kumar .

2. The case of the petitioner is that the petitioner is one of the beneficiaries under the Will and she has been appointed as the Sole executrix under the Will. The testator P.Prasanth Kumar died on 24.11.2022. The deceased executed his last Will and Testament dated 25.07.2022 while he was in sound state of mind. The petitioner is the wife of the testator. The first respondent is the mother of the testator. The second and third respondents are the minor children of the testator and the petitioner. The petitioner and the respondents are the legal heirs of the testator. 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.17,48,97,845/- 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.17,48,97,845/-. The petitioner undertake to duly administer the property and credits of the deceased P.Prasanth Kumar 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 herself as P.W.1 and she had narrated the averments made in the petition stating that the petitioner has filed this petition for the grant of probate in her favour in respect of the Last Will and Testament executed by the testator P.Prasanth Kumar on 25.07.2022. Ex.P.1 is the original Will executed by the testator. Ex.P.2 is the computer generated death certificate of the testator. Ex.P.2 has been filed to show that the testator P.Prasanth Kumar died on 24.11.2022. Ex.P.3 is the computer

generated legal heirship certificate of the testator. Ex.P.3 shows that petitioner and the respondents are the legal heirs of the testator. Ex.P.4 is the affidavit of assets showing the net value of the estate as Rs.17,48,97,845/-.

4. Mr.A.K.Raghuraman, one of the attesting witness, has been examined as P.W.2. He is the first attesting witness in the Will dated 25.07.2022 executed by the testator. In his evidence, he has stated that the testator executed his last Will and Testament on 25.07.2022 in his presence and in the presence of one G.Krishnamurthy. At the request of the testator, they 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 affidavit of the attesting witness is marked as Ex.P.5. 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.

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 his favour.

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

18.01.2024

vrc

N.SATHISH KUMAR, J.

vrc

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