

O.P.No.616 of 2023

RMT.TEEKAA RAMAN,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 Mr.V.K.Vilvanathan.

2. The first petitioner is the elder son of the deceased V.K.Vilvanathan. The first respondent is the daughter of the deceased and the second respondent is the second son of the deceased.

3. The amount of assets which are likely to come to the petitioner's hand and the second respondent hand does not exceed in aggregate a sum of Rs.91,87,000/-. There is no deductions and net amount to value the property is at Rs.91,87,000/-.

4. The testator has clearly mentioned in the said Will the petitioner and the second respondent shall pay jointly a sum of Rs.5,00,000/- each to the Testator's daughter. Mrs.Manorani (the first respondent) who is the beneficiary herein at the time of Probate of this Will. The petitioner and the second respondent undertakes to pay the above said Rs.5,00,000/- each to the first respondent. The petitioner submits that the deceased V.K.Vilvanathan died on 22.05.2020 at his residence.



5. The first respondent is a mentally ill person and for her guardian is appointed by the Court on 28.02.2024 by O.P.No.624 of 2023 and Mr.R.Anand Raj was appointed as a Guardian and he has filed consent affidavit and proof affidavit stating that the petitioner and the second respondent has paid a sum of Rs.5 lakhs each to his sister who is also one of the beneficiaries herein at the time of Probate of the Will. As per the recitals of the Will, the petitioner and the second respondent each paid Rs.5 lakhs in favour of the first respondent namely V.V.Manorani through her second son Mr.Anand Raj who is appointed as Guardian for his mother as per O.P.No.624 of 2023.

6. The petitioner was examined as P.W.1 and Exs.P1 to P19 were marked are as follows:

<i>Sl. No.</i>	<i>Exhibits</i>	<i>Documents</i>
1.	Ex.P1	Original unregistered Will and Testament dated 25.08.2019 executed by Mr.Vilvanathan.
2.	Ex.P2	Computer generated death certificate of Mr.Vilvanathan.
3.	Ex.P3	Computer generated legal heir ship certificate of Mr.Vilvanathan
4.	Ex.P4	Certified copy of the sale deed dated 08.12.1987 executed in favour of Mr.Vilvanathan
5.	Ex.P5	Photocopy of the sale deed dated 04.04.1991 executed in favour of Mr.Vilvanathan
6.	Ex.P6	Original sale deed dated 29.12.1962 executed in favour of one Mr.Narayanaswamy
7.	Ex.P7	Original sale deed dated 07.01.1963 executed in favour of one Mr.Narayanaswamy



Sl. No.	Exhibits	Documents
8.	Ex.P8	Original sale deed dated 05.02.1967 executed in favour of the Testator's father Mr.V.K.Kannappa Mudaliar.
9.	Ex.P9	Original sale deed dated 25.04.1967 executed in favour of the Testator's father Mr.V.K.Kannappa Mudaliar.
10.	Ex.P10	Original sale deed dated 05.12.1967 executed in favour of the Testator's father Mr.V.K.Kannappa Mudaliar.
11.	Ex.P11	Original sale deed dated 20.06.1973 executed in favour of the Testator's father Mr.V.K.Kannappa Mudaliar.
12.	Ex.P12	Original sale deed dated 15.10.1992 executed in favour of the Testator Mr.V.K.Vilvanathan
13.	Ex.P13	Original sale deed dated 15.10.1992 executed in favour of the Testator Mr.V.K.Vilvanathan
14.	Ex.P14	Original sale deed dated 15.10.1992 executed in favour of the Testator Mr.V.K.Vilvanathan
15.	Ex.P15	Original sale deed dated 15.10.1992 executed in favour of the Testator Mr.V.K.Vilvanathan
16.	Ex.P16	The photocopy of the petitioner's Aadhaar card
17.	Ex.P17	The photocopy of the letter dated 21.10.2002 addressed by the State Bank of India, Perambur, Chennai to the Testator Mr.V.K.Vilvanathan informing that the original sale deed dated 08.12.1987 is misplaced.
18.	Ex.P18	The affidavit of assets showing the net value of the estate as Rs.91,87,000/-
19.	Ex.P19	The certificate under Section 65B of the Indian Evidence Act,1872

7. Both the attestors examined as P.W.2 and P.W.3 orally and they are stated that Mr.V.K.Vilvanathan was in a sound and disposing state of mind and in his presence the attesting witnesses subscribed their signature in the Will. The first respondent represented by the court guardian examined as R.W.1 and Exs.R1 to R3 were marked.



8. 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.

9. The Original Petition is ordered. Grant Probate of the Will in respect of the petitioner.

15.10.2024

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5



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15.10.2024