



O.P.No.547 of 2023

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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 C.Kalimuthu.

2. This petition has been filed for grant of probate in respect of the Will of one C.Kalimuthu executed on 21.01.2022 while he was in sound state of mind. The petitioner is the executor named in the Will. The first and second respondents are the daughters of the testator and they beneficiaries under the Will. The third respondent is the mother of the testator. The testator died on 13.02.2022. The wife of the testator predeceased him. There is no other kin to be impleaded in this petition. The respondents have filed consent affidavits for grant of probate in favour of the petitioner. The amount of assets which is likely to come to the hands of the petitioner does not exceed in the aggregate sum of Rs.1,00,00,000/- and the net amount of the said assets after deducting all the items, which the



O.P.No.547 of 2023

petitioner is by law allowed to deduct is only of the value of Rs.1,00,00,000/-. The petitioner undertake to duly administer the property and credits of the deceased C.Kalimuthu 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 C.Kalimuthu on 21.01.2022. Ex.P.7 is the original Will executed by the testator. Ex.P.10 is the computer generated death certificate of the testator. Ex.P.10 has been filed to show that the testator C.Kalimuathu died on 13.02.2022. Ex.P.5 is the computer generated Legal Heir Certificate of the testator. Ex.P.5 shows that the respondents are the surviving Class I legal heirs of the testator. Ex.P.1 to



O.P.No.547 of 2023

Ex.P.4 have been filed to show the assets of the testator [C.Kalimuthu](#).

Ex.P.21 is the affidavit of assets showing the net value of the estate as Rs.1,00,00,000/-.

4. One S.Aswin, who is the second attesting witness in the Will, has been examined as P.W.2. In his evidence, P.W.2 has stated that the testator executed his last Will and Testament on 21.01.2022 in his presence and in the presence of Nambirajan Mahalingam, who is the first attesting witness in the Will. At the request of the testator, the attesting witnesses 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.25. 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



O.P.No.547 of 2023

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.

.03.2024

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O.P.No.547 of 2023

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O.P. No.547 of 2023

27.03.2024