



O.P.No.549 of 2021

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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 T.S.Balasundaram.

2. The case of the petitioner is that the petitioner is the sole executor appointed under the Will. The testator T.S.Balasundaram died on 01.02.2016. The deceased executed his last Will and Testament dated 13.05.2011 while he was in sound state of mind. The first respondent is the brother's son of testator and the second respondent is the foster grand son of the testator. There is no other kin or persons interested who has to be impleaded. The petitioner is given life interest in respect of the various items properties mentioned in the Will and certain properties have also been bequeathed in favour of the respondents. The amount of assets which is likely to come into the petitioner's hands does not exceed in the aggregate



O.P.No.549 of 2021

sum of Rs.4,85,00,000/- 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.4,85,00,000/-. The petitioner undertake to duly administer the property and credits of the deceased T.S.Balasundaram 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 T.S.Balasundaram on 13.05.2011. 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 died on 01.02.2016. Ex.P.3 is the original legal heir certificate of the testator T.S.Balasundaram. Ex.P.3 shows that the petitioner is the



O.P.No.549 of 2021

legal heir of the testator. Ex.P.4 to Ex.P.6 sale deeds and Ex.P.7 release deeds have been filed to show the properties standing in the name of the testator. Ex.P.8 is the affidavit of assets showing the net value of the estate as Rs.4,85,00,000/-.

4. Mr.Ramesh Babu, one of the attesting witness, has been examined as P.W.2. He is the second attesting witness in the Will dated 13.05.2011 executed by the testator. In his evidence, he has stated that the testator executed his last Will and Testament on 13.05.2011 in his presence and in the presence of one Prabhu. 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.11. 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.



O.P.No.549 of 2021

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.

09.01.2024

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