



WEB COPY



O.P.No.294 of 2022

O.P. No.294 of 2022

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 Tirunellayi Narayanaier Seshan.

2. This petition has been filed for grant of probate in respect of the Will of one Tirunellayi Narayanaier Seshan executed on 17.08.2018. The testator died on 10.11.2019. The petitioner is the friend of the testator and the respondents are sisters, nephews and niece 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 to the hands of the petitioner does not exceed in the aggregate sum of Rs.14,78,60,760.60 and the net amount of the said assets after deducting all the items, which the petitioner is by law allowed to



O.P.No.294 of 2022

deduct is only of the value of Rs.14,78,60,760.60. The petitioner undertake to duly administer the property and credits of the deceased Tirunellayi Narayanaier Seshan 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 Tirunellayi Narayanaier Seshan on 17.08.2018. 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 Tirunellayi Narayanaier Seshan died on 10.11.2019. Ex.P.3 is the copy of the Trust deed dated 17.08.2018 executed by the testator Tirunellayi Narayanaier Seshan. Ex.P.4 to Ex.P.9 have been



O.P.No.294 of 2022

filed to show the assets of the testator. Ex.P.10 is the affidavit of assets showing the net value of the estate as Rs.14,78, 60, 760.60/-.

4. One T.R.S.Gopalan was examined as P.W.2. In his evidence, P.W.2 has stated that the signatures found in Ex.P.1 Will are that of the testator. He has further stated that he has signed in the Will as the first attesting witness along with one R.Santhanam. He has also stated in his evidence that the testator was in sound state of mind while executing the Will and he has also seen the testator signing the Will and the other attesting witnesses signing in the document. He has also stated that the testator has seen the attesting witnesses subscribing their signature in the Will. The affidavit filed by P.W.2 has been marked as Ex.P.11. The evidence of attesting witness not only prove the 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.



O.P.No.294 of 2022

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

13.03.2024

vrc



WEB COPY



O.P.No.294 of 2022

N.SATHISH KUMAR, J.

VRC

O.P. No.294 of 2022

13.03.2024