



O.P.No.610 of 2022

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A.A.NAKKIRAN, J.

This petition has been filed under Sections 222 and 276 of the Indian Succession Act, 1925 read with Order XXV, Rule 4 of Original Side Rules, for grant of Probate in respect of the last Will and Testament of the deceased Mariappan.

2. The case of the petitioner is that the petitioner is the executor named in the Will dated 12.03.2001. The testator Mariappan ordinarily resided at No.4 Saravanan Street, Lakshmi Amman Nagar, Erukkencherry, Kodungayyur, Chennai and died on 02.01.2015 leaving behind his daughter (petitioner), his wife M.Kuppammal(deceased), a son M.Chandrasekar (deceased 1st respondent), and three grandsons (respondents 2 to 4). After the death of first respondent, the respondents 5 to 8 were brought on record as his legal heirs. The parents of Mariappan pre-deceased him.

3. At the time of death, the testator owned a self acquired property measuring 77 sq.metres comprised in RS.No.1847/48 bearing Door No.38,



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plot No.258, Karunanidi Street, Anna Nagar, Korukkupet, Chennai. During the life time, the Testator executed a Will dated 12.03.2001 registered as document No.21/2001 on the file of SRO. Royapuram, Chennai in a sound disposing state of mind. The amount of assets which are likely to come into the petitioner's hand does not exceed in the aggregate sum of Rs.35,00,000/- (Rupees thirty five lakhs only) and the net amount of the said assets, after deducting all items which the petitioner is by way of law allowed to deduct is of the value of Rs.35,00,000/- (Rupees Thirty Five Lakhs only).

4.The petitioner has impleaded all the next of kin or other persons interested as party/respondents. There is no next of kin or other persons interested, to be impleaded. The petitioner stated that no application has been made to any District Court or delegate or to any other High Court for probate of any Will of the said deceased or letters of administration with or without the Will annexed of his property and credits.

5. The petitioner hereby undertakes to duly administer the property and credits of the said S.Mariappan, deceased and in any way concerning



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his 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 and exhibit the same in this 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.

6. The petitioner examined herself as PW1 and marked the following documents to prove the Will. Ex.P1 is the original Will dated 12.03.2001 executed by Mr.S.Mariappan. Ex.P2 is the photocopy of the lease cum sale agreement dated 30.12.1982 executed in favour of Mr.Mariappan. Ex.P3 is the computer generated birth certificate of Mr.D.Mohan. Ex.P4 is the computer generated death certificate of Mr.D.Jayaraj. Ex.P5 is the computer generated birth certificate of Mr.D.Parveen Raj. Ex.P6 is the computer generated death certificate of Mr.S.Mariappan. Ex.P7 is the computer generated legal heir certificate of Mr.Mariappan. Ex.P8 is the computer generated death certificate of Mrs.M.Kuppammal. Ex.P9 is the affidavit of assets showing the net value of the estate as Rs.35,00,000/-.



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7. Mr.U.Dhanasekaran, a third party has been examined as PW2 and he deposed that the testator Mariappan is his father-in-law and both the attesting witnesses namely, Mr.I.Parthasarathy and Mr.M.Ekambaram, are his relatives and he is well acquainted with their signatures. He further submitted that Mr.I.Parthasarathy died on 23.04.2023 and Ex.P10 is the computer generated death certificate of Mr.I.Parthasarathy. Mr.M.Ekambaram died on on 26.03.2024 and Ex.P11 is the computer generated death certificate of Mr.M.Ekambaram. He further submitted that he was present at the time of execution of Ex.P1 Will by the Testator. The signatures found in Ex.P1 Will are that of his father-in-law Mr.Mariappan. The signature found in the first attesor is that of Mr.I.Parthasarathy and the signature found in the place of second attesor is that of Mr.M.Ekambaram.

8. 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.



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9. 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 her favour.

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

15.02.2024

pvs



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