



This Original Petition has been filed under Sections 222 and 276 of the Indian Succession Act, 1925 along with the relevant rules of the Original Side of Madras High Court seeking probate of the last Will of N.Subramanian, who died on 09.02.2021.

2.The petitioner herein, is the wife of the executor of the Will N.Subramaniam. The two respondents are her sons. After completing all formalities, the matter had been referred to the learned Master for recording of evidence. A perusal of the notes of the learned Master shows that the petitioner had been examined as PW-1 and Exs.P1 to P4 had been marked. The attesting witnesses have both been examined as PW-2 and PW-3 and Exs.P5 and P6 had been marked.

3.The learned counsel for the respondent stated that the respondents are not adducing oral evidence and they also do not intend to cross-examine the witnesses for the petitioner. In effect, the respondent admits to the averments made in the petition that the petitioner is entitled for probate of



the Will. Ex.P1 is the Will. Both the attesting witnesses have stated that the Will had been executed in their presence and they saw the testator signing the Will and they also signed at the same time. Ex.P2 is the death certificate of N.Subramaniam. Ex.P3 is the legal heir certificate of N.Subramaniam. Ex.P4 is the affidavit of assets.

4.Taking into consideration all these facts, probate of the will of N.Subramanian is granted as prayed for. Accordingly, this Original Petition is allowed. The Registry to issue probate order in accordance with the rules.

03.04.2024

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C.V.KARTHIKEYAN,J.

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O.P.No.256 of 2023



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