



O.P.No.626 of 2023

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WEB CO **N.SATHISH KUMAR, J.**

This petition has been filed under Sections 222 and 276(1) 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 Rathi Paul Mampilli.

2. The case of the petitioner is that the deceased Rathi Paul Mampilli executed a will dated 16.09.2016 bequeathing the schedule mentioned property in favour of her husband, the first respondent herein and he is the sole beneficiary of the will. The petitioner is the executor of the will. The respondents 2 & 3 are the children of the deceased and the fourth respondent is the mother of the deceased. The testatrix died on 09.12.2016. The father of the deceased predeceased her. The respondents 1 to 4 have filed their consent affidavits for grant of probate in favour of the petitioner. There is no other kin or persons interested who has to be impleaded. The amount of assets which is likely to come into the petitioner's hands does not exceed in the aggregate sum of Rs.15,00,00,000/- and the net amount of the



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assets, after deducting all items which the petitioner is by law allowed to deduct is of the value of Rs.15,00,00,000/-. The petitioner undertakes to duly administer the property and credits of the deceased Rathi Paul Mampilli and in any way concerning the Will by paying first her 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 testatrix on 16.09.2016. Ex.P.1 is the original Will executed by the deceased Rathi Paul Mampilli. The deceased has executed the Will on 16.09.2016. Ex.P.2 is the photocopy of the death certificate of the deceased. Exs.P.3 to P.6 are the photocopies of the sale deed executed in favour of the Mr.Paul George Mampilli and the deceased.



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Ex.P7 is the affidavit of assets showing the net value of estate as

Rs.15,00,00,000/-.

4. The second attesor of the Will dated 16.09.2016 has been examined as P.W.2. P.W.2 in her evidence has stated that the testatrix executed her last Will and Testament on 16.09.2016 in her presence and in the presence of Mrs.Kasturi Sundarajan/mother of the deceased and at the request of the testatrix, the said Mrs. Kasturi Sundarajan and P.W.2 have subscribed their signatures in the presence of the testatrix. He has further deposed that while executing the Will, the testatrix was in a sound and disposing state of mind and in his presence the attesting witnesses subscribed their signature in the Will. 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 proved the execution and attestation of the Will. Hence, the petitioner is entitled for the issuance of probate in his favour.



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

06.03.2024

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