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This original 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.

2. The petitioner is the wife of late Dr.V.Balasubramaniyan. During his lifetime, the said V.Balasubramaniyan has executed a Will dated 04.04.2022. Under the Will, he has bequeathed the property to his two sons, namely Prabhu and Prathap-respondents 1&2. The life interest in 4 items of property was bequeathed to his two sons absolutely, and life interest was bequeathed to his wife, V.Balasubramaniyan, the petitioner in one of the properties bequeathed under Serial No.V, been bequeathed to his two brothers who are respondents 4 & 5.

3. The present petitioner has filed in respect of 5 items of property for the grant of probate since the petitioner has been named as the executor of the Will. The said Will is an obligation on the part of the petitioners and respondents 1 & 2, as a lenient property bequeathed so that they should pay a sum of Rs.25,000/- towards the maintenance of the mother of the testator, namely Mrs.V.Maruthaiyammal. The said Maruthaiyammal is arrayed as a third respondent. All the beneficiaries have been made a party either as a



petitioner or for reasons. The affidavit by the executor stated that she has two sons who are taking care of the mother of the testator, and as per the desire of the testator, a sum of Rs.25,000/- is being provided for maintenance.

4. To prove the unregistered Will, one of the attesting witness to the Will Ex.P3 Dr.K.R.Palanisamy has been examined. He was identified the signature of the testator, which was affixed in his presence, and also his own signature besides the signature of the other attesting witness.

5. The following documents are marked as exhibits apart from legal heir certificate Ex.P2 and the death certificate of Ex.P1. The ocular evidence shows that Dr.V.Balasubramaniyan, the attestor, had executed a Will in a good state of mind, consciously referred to the probable sexes of his property and his intention to divert from the normal course, and bequeathed his property in a particular manner.

6. After perusing the records marked as exhibits and the attesting of P.W.1 executor and P.W.2 attesting witness, grant probate of the Will of Dr.V.Balasubramaniyan.

7.The consent affidavit has been filed. P.W.1 was examined and Exs.P1 to P5 were marked.



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8. The following documents were marked through P.W.1. are as follows:

<i>Sl. No.</i>	<i>Exhibits</i>	<i>Documents</i>
1.	Ex.P1	Death certificate of Dr.V.Balasubramaniyan
2.	Ex.P2	Legal heirship certificate of Dr.V.Balasubramaniyan
3.	Ex.P3	The original unregistered Will dated 04.04.2022 executed by Dr.V.Balasubramaniyan
4.	Ex.P4	The affidavit of assets showing the net value of the estate as Rs.2,40,76,200/-
5.	Ex.P5	The certificate under Section 65B of the Indian Evidence Act,1872.

9.Taking into consideration of the pleadings, the execution of the Will has been proved in the manner known to law as contemplated under the Indian Succession Act and Indian Evidence Act and there is no impediment for grant of Will itself and hence, I am inclined to grant probate in favour of the petitioners.

10.Taking the evidence into consideration and the documents produced, the Original Petition stands allowed and the probate to be issued to the petitioner in accordance with rules.

22.11.2024



Dr.G.JAYACHANDRAN,J.,

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