



O.P.No.82 of 2023

O.P.No.82 of 2023

WEB COPY

A.A.NAKKIRAN, J.

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

2. The case of the petitioner is that the petitioner is the executor named in the Will. The testatrix Lakshmi died on 26.05.2018. The deceased executed her last Will and Testament dated 17.03.2017 while she was in sound state of mind. The husband of the testatrix namely Natarajan predeceased her. They have no issues. The testatrix was abandoned by her relatives and family members several decades ago as she was treated as inauspicious to them. The petitioner is the friend of testatrix and neighbour for many decades, by that acquaintance the petitioner is taking care of the testatrix in all walks of her life and out of love and affection of the deceased Lakshmi executed and registered a Will dated 17.03.2017 vide document No.12/2017 in the office of the Sub Registrar, Ashok Nagar, in the presence



O.P.No.82 of 2023

of two witnesses. Since the testatrix died as a widow issueless and had no relatives, kith and kin to the knowledge of the petitioner, she has no probable legal heirs. There are no persons interested in the property to be made as parties to the proceedings. The amount of assets which is likely to come into the petitioner's hands does not exceed in the aggregate sum of Rs.3,00,000/- and the net amount of the assets, after deducting all items which the petitioner is by law allowed to deduct is of the value of Rs.2,90,000/-. The petitioner undertake to duly administer the property and credits of the deceased Lakshmi 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 herself as P.W.1 and she had narrated the averments made in the petition stating that the petitioner has filed this petition for the grant of probate in her favour in respect of the Last Will and



O.P.No.82 of 2023

Testament executed by the testatrix Lakshmi on 17.03.2017. Ex.P.1 is the original Will executed by the testatrix. Ex.P.6 is the computer generated death certificate of the testatrix. Ex.P.6 has been filed to show that the testatrix Lakshmi died on 26.05.2018. Ex.P.2 has been filed to prove the assets of the testatrix. Ex.P.7 is the affidavit of assets showing the net value of the estate as Rs.2,90,000/-.

4. Mr.G.Veeraraghavan, one of the attesting witness, has been examined as P.W.2. He is the first attesting witness in the Will dated 17.03.2017 executed by the testatrix. In his evidence, he has stated that the testatrix executed her last Will and Testament on 17.03.2017 in his presence and in the presence of one K.Jayaraman. At the request of the testatrix, they 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 her presence the attesting witnesses subscribed their signature in the Will. The affidavit of the attesting witness is marked as Ex.P.10. 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



O.P.No.82 of 2023

suspect the Will.

WEB COPY

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 her favour.

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

07.02.2024

uma



WEB COPY



O.P.No.82 of 2023

A.A.NAKKIRAN, J.

uma

O.P.No.82 of 2023

07.02.2024