



O.P.No.799 of 2022

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N.SATHISH KUMAR, J.

This 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, for the grant of Probate in respect of the last Will and Testament of the deceased K.Mahesh.

2. This petition has been filed for grant of probate in respect of the Will of one K.Mahesh executed on 21.08.2018 while he was in sound state of mind. The first petitioner is the son of the testator and second respondent is his daughter. The first respondent is the wife of the testator, the second respondent is another daughter of the testator and the respondents 3 and 4 are sons of the second petitioner and the respondents 5 to 7 are the daughters of the first petition and the 8th respondent is the wife of the first petitioner. The ninth petitioner is an executor under the Will. The testator died on 02.02.2019. There is no other kin to be impleaded in this petition. The respondents have filed consent affidavits for grant of probate in favour



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of the petitioners. The amount of assets which is likely to come to the hands of the petitioners do not exceed in the aggregate sum of Rs.660,00,71,486/- and the net amount of the said assets after deducting all the items, which the petitioners are by law allowed to deduct is only of the value of Rs.660,00,71,486/-. The petitioners undertake to duly administer the property and credits of the deceased K.Mahesh and in any way concerning the 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 to the Court within six months from the date of grant of Probate to the petitioners 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 first petitioner examined himself as P.W.1 and he had narrated the averments made in the petition stating that the petitioners have filed this petition for the grant of probate in their favour in respect of the Last Will and Testament executed by the testator K.Mahesh on 21.08.2018. Ex.P.3 is the original Will executed by the testator. Ex.P4.3 is the copy of death certificate of the testator. Ex.P.3 has been filed to show that the testator



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K.Mahesh died on 02.02.2019. Ex.P.5 is the computer generated Legal Heir Certificate of the testator. Ex.P.4 shows that the petitioners and the respondents are the legal heirs of the testator. Ex.P.1, Ex.P.2, Ex.P.12 to Ex.P.17 have been filed to show the assets of the testator K.Mahesh. Ex.P.18 is the affidavit of assets showing the net value of the estate as Rs.660,00,71,486/-.

4. P.W.2 N.Sundaresan, is the son of the second attesting witness. P.W.2 in his evidence has stated that his father signed as the second attesting witness in the Will and the signature found in the Will is his father's signature. The computer generated death certificate of the father of P.W.2 is marked as Ex.P.20. Ex.P.22 is the computer generated legal heir certificate of the father of P.W.2. Ex.P.22 shows that P.W.2 is son of the second attesting witness S.Natarajan. The evidence of attesting witnesses not only prove the execution but also attestation of the Will and there is no other materials to suspect the Will.



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5. In view of the above facts, I am of the view that the petitioners have proved the execution and attestation of the Will. Hence, the petitioners are entitled for the issuance of probate in their favour.

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

27.03.2024

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