



O.P.No.289 of 2023

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N.SATHISH KUMAR, J.

This petition has been filed under Sections 222, 255 and 276 of the Indian Succession Act of 1925 and 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 Janardana Subramania Iyer.

2. The case of the petitioners is that the deceased Janardana Subramania Iyer executed a Will and Testament dated 17.09.2012, wherein, the 1st petitioner and his cousin brother, viz., K.S.Iyer are appointed as joint executors. Late Janaradana Subramania Iyer specified in the Will dated 17.09.2012 that in the event either of the executors so appointed were not alive at the time of his death, either his cousin brother, Dr.P.G.S.Mony or the 2nd petitioner (who is deceased Janardana Subramania Iyer's niece) would act as Joint executor along with surviving executor. The said K.S.Iyer predeceased Janaradana Subramania Iyer and accordingly, Dr.P.G.S.Mony and the 2nd petitioner agreed to act along with the 1st petitioner as the joint executor for deceased Janaradana Subramania Iyer's Will. The 1st and 2nd respondents are the daughters of



O.P.No.289 of 2023

deceased Janaradana Subramania Iyer. The 3rd and 4th respondents are grandson and granddaughter respectively and the 5th respondent is the son-in-law and husband of the 2nd respondent herein and the 1st petitioner is the son-in-law and husband of the 1st respondent herein. The respondents have filed affidavit of consents for grant of probate of Will in favour of the petitioners. The deceased executed his last Will and Testament dated 17.09.2012. There is no other kin or persons interested who has to be impleaded. The amount of assets which is likely to come into the petitioners' hands does not exceed in the aggregate sum of Rs.65,00,000/- and the net amount of the assets, after deducting all items which the petitioners are by law allowed to deduct is of the value of Rs.65,00,000/-. The petitioners undertake to duly administer the property and credits of the late Janaradana Subramania Iyer 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



O.P.No.289 of 2023

have filed this petition for the grant of probate in their favour in respect of the Last Will and Testament executed by the testator on 17.09.2012.

Ex.P.1 is the Original Will dated 17.09.2012 executed by the deceased Janaradana Subramania Iyer. Ex.P.2 is the computer generated death certificate of the deceased Janaradana Subramania Iyer. Ex.P3 is the computer generated surviving family members certificate of deceased Janaradana Subramania Iyer. Ex.P.5 is the photocopy of the power of attorney dated 26.06.2001 executed by deceased Janaradana Subramania Iyer [compared with original] All the respondents have filed their consent affidavits. Ex.P8 is the affidavit of assets showing the net value of the estate as Rs.65,00,000/-

4. The attestors of the Will dated 17.09.2012, viz., Philip Joseph and Wing Commander, Anand Joshi have filed affidavits and stated that the testator executed his last Will and Testament on 17.09.2012 in their presence and at the request of the testator, they have subscribed their signatures in the presence of the testator. They have further stated that while executing the Will, the testator was in a sound and disposing state of mind and in their presence the attesting witnesses subscribed their signature in the Will. The affidavits of the attesting witnesses not only prove execution but also attestation of the Will and there is no other



O.P.No.289 of 2023

materials to suspect the Will.

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N.SATHISH KUMAR, J.

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. Registry is directed to grant probate of the Will in respect of the petitioners.

05.03.2024

O.P.No.289 of 2023