



O.P.No.849 of 2023

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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 A.Ammukutty.

2. This petition has been filed for grant of probate in respect of the Will of one A.Ammukutty executed on 27.03.2017. The testatrix and her husband had no issues and the petitioner is the adoptive daughter of the testatrix and the said adoption has also been registered. The schedule property has been purchased by the husband of the testatrix. During his life time, the husband of the testatrix had bequeathed the property in favour of the testatrix by a Will 23.06.1983 and the testatrix has also obtained Letters of Administration in O.P.No.619 of 2017 on 09.11.2017. During the life time of the testatrix, she has executed a Will dated 27.03.2017, while she was in sound state of mind, bequeathing the above property in favour of the



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petitioner. The petitioner is executor and beneficiary under the Will. There

is no other kin or persons interested who has to be impleaded. The amount of assets which is likely to come to the hands of the petitioner does not exceed in the aggregate sum of Rs.4,23,12,500/- and the net amount of the said assets after deducting all the items, which the petitioner is by law allowed to deduct is only of the value of Rs.4,23,12,500/-. The petitioner undertake to duly administer the property and credits of the deceased A.Ammukutty 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 Testament executed by the testatrix A.Ammukutty on 27.03.2017. Ex.P.1 is



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the original Will executed by the testatrix. Ex.P.2 is the computer generated death certificate of the testatrix. Ex.P.2 has been filed to show that the testatrix A.Ammukutty died on 11.10.2023. Ex.P.4 is the copy of the Will executed by the husband of the testatrix, P.C.Krishnan Nair dated 23.06.1983. Ex.P.5 is the copy of the registered Adoption Deed dated 10.02.1991. Ex.P.5 has been filed to show that the petitioner is the adoptive daughter of the testatrix A.Ammukutty. Ex.P.7 is the computer generated death certificate of the husband of the testatrix. Ex.P.7 shows that P.C.Krishnan Nair, husband of the testatrix died on 28.05.1986. Ex.P.12, Ex.P.13 and Ex.P.14 have filed with regard to the assets in the name of the testatrix Ammukutty. Ex.P.17 is the certified copy of the Order of Letters of Administration dated 09.11.2017 in favour of the testatrix. Ex.P.18 is the affidavit of assets showing the net value of the estate as Rs.4,23,12,500/-.

4. One Samuel Jeyaraj Daniel was examined as P.W.2. In his evidence, P.W.2 has stated in his evidence that the signatures found in Ex.P.1 Will are that of the testatrix. He has further stated that he has signed in the Will along with one Ravi Chinnaiyan. He has also stated in his



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evidence that the testatrix was in sound state of mind while executing the Will and he has also seen the testatrix signing the Will and the other attesting witnesses signing in the document. He has also stated that the testatrix has seen the attesting witnesses subscribing their signature in the Will. The affidavit filed by P.W.2 has been marked as Ex.P.19. The evidence of attesting witness not only prove the 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 her favour.

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

14.02.2024

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