



O.P.No.414 of 2023

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N.SATHISH KUMAR, J.

This Petition has been filed under Sections 232 and 276 of the Indian Succession Act read with Order XXV Rule 5 of the Original Side Rules, seeking to grant probate in favour of the petitioner in respect of the Will of the testatrix N.S.Champakam.

2. This petition has been filed for grant of probate in respect of the Will of one N.S.Champakam executed on 10.07.2021 while she was in sound state of mind. The petitioner is the executor under the Will and the petitioner and the respondents are beneficiaries under the will. The testatrix died on 09.09.2021. Her husband predeceased her on 23.05.2018 and her only son namely Vasant also predeceased her son 19.11.2013 and her son had no issues. The widow of the Vasant is the second respondent herein. There is no other kin to be impleaded in this petition. The amount of assets which is likely to come to the hands of the petitioner does not exceed in the



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aggregate sum of Rs.65,25,000/- 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.65,00,000/-. The petitioner hereby undertake to duly administer the specified property and credits of the deceased 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 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 has been examined as P.W.1. P.W.1 in his evidence had narrated the averments made in the petition stating that the petitioner has filed this petition for grant of probate in his favour in respect of the Last Will and Testament executed by the deceased N.S.Champakam on 10.07.2021. The Will executed by the deceased N.S.Champakkam has been marked as Ex.P.1. Ex.P.8 is the copy of the death certificate of N.S.Champakam. Ex.P.8 has been filed to show that the testatrix died on 09.09.2021. Ex.P.4 shows that the husband of the testatrix, P.C.Venkatadri



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died on 23.5.2018. Ex.P.5 is the death certificate of the son of the testatrix.

Ex.P.5 shows that the son of the testatrix, Vasant predeceased the testatrix on 19.11.2013. Ex.P.2, Ex.P.3 and Ex.P.7 have been filed to show the assets of the testatrix. Ex.P.9 is the affidavit of assets showing the net value of the estate as Rs.65,00,000/-.

4. One Srinivasan Varadarajan, who is the first attesting witness in the Will, has been examined as P.W.2. In his evidence, P.W.2 has stated that the testatrix executed her last Will and Testament on 10.07.2021 in his presence and in the presence of Mr.V.Vinothkumar, who is the second attesting witness in the Will. At the request of the testatrix, the attesting witnesses 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 suspect the Will.



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5. In view of the above facts, I am of the view that the petitioner has proved execution and attestation of the Will. Hence, the petitioner is entitled for the issuance of Probate in his favour.

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

19.03.2024

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