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WEB COPY **A.A.NAKKIRAN, J.,**

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

2.The 1st respondent is the elder sister of the petitioner and the 2nd and 3rd respondents are the younger sister of the petitioner. The testator S.R.Govindarajulu Chettiar died on 04.06.1996. The testator left behind his surviving legalheirs as his next of kin. Under the Will dated 27.09.1993, the deceased appointed the petitioner as the Executor. The petitioner is the son of S.R.Govindarajulu Chettiar and is the sole legatee under the Will of the said deceased. The amount of assets which are likely to come into the hands of the petitioner does not exceeding in the aggregated sum of Rs.1,18,05,000/- and the net amount of the said assets after deducting all items, which the petitioner is by law allowed to deduct the value of Rs.1,18,00,000/- only. The petitioner has impleaded all the next of kin or



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other persons interested as party/respondents. There is no next kin or other persons interested to be impleaded. No application has been made to any District Court or delegated or to any other High Court of the probate of the Will of the deceased S.R.Govindarajulu Chettiar or for Letters of Administration with the Will annexed to his property and credits. The petitioner found the original Will in December 2019 only. Therefore, the delay caused in filing of this petition before this Court. The petitioner undertakes to duly administer the property and credits of the deceased S.R.Govindarajulu Chettiar 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 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 himself as P.W.1 and he had narrated the averments made in the petition stating that the petitioner has filed this petition for the grant of probate in his favour in respect of the Last Will and



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Testament executed by the testator on 27.09.1993. Ex.P.1 is the original registered Will and Testament dated 27.09.1993 executed by S.R.Govindarajulu Chettiar. Ex.P.2 is the computer generated Death Certificate of the deceased S.R.Govindarajulu. Ex.P3 is the original Legalheriship Certificate of S.R.Govindarajulu Chettiar. Ex.P.4 is the computer generated Death Certificate of G.Janaki. Ex.P.5 is the original Legalheriship Certificate of G.Janaki. Ex.P.6 is the downloaded copy of the Property Tax Receipt dated 20.05.2019 stands in the name of S.R.Govindarajulu. Ex.P.7 is the photocopy of the Water Tax Card in the name of S.R.Govindarajulu. Ex.P.8 is the photocopy of the Kist Receipt paid for the Fasli year 1428. Ex.P.9 is the affidavit of assets showing the net value of the assets as Rs.1,18,00,000/-.

4.Mr.Alagapan, second attestor of the Will dated 27.09.1993 has been examined as P.W.2. P.W.2 in his evidence has stated that the deceased S.R.Govindarajulu is my friend and he executed Ex.P.1 - Will on 27.09.1993 in my presence and in the presence of Mr.N.Ayyasamy. While executing the Ex.P.1 – Will, the testator was in a sound and disposing state



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of mind. The deceased S.R.Govindarajulu Chettiar signed in Ex.P.1 – Will in my presence and in the presence of Ayyasamy. Ex.P.10 - is the affidavit of Mr.Alagapan, who is second attestor of the Will. The evidence of P.W.1 and P.W.2 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 his favour.

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

21.02.2024



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