



O.P.No.38 of 2022

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**P.B.BALAJI, 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 E.Raman.

2. The brief facts which has set out in the petition are that the deceased E.Raman died on 17.07.2019 leaving behind a Will dated 08.02.2018. The petitioner has been appointed as a sale executor under the said Will dated 08.02.2018. The respondents are the legalheirs of the deceased E.Raman and none of the respondents are objecting to the grant of probate.

3. The petitioner examined himself as P.W.1 before the learned



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Master and the Original Will dated 08.02.2018 has been marked as Ex.P.1; Death certificate of Pradyumna, Grand son of the testator has been marked as Ex.P.2; Death certificate of E.Raman has been marked as Ex.P.3. The petitioner has also marked Exs.P.4 to P.8, which are all pertaining to the assets left behind the deceased.

4. One of the attesting witnesses viz., L.Venkataramani has been examined as P.W.2. He has stated that he is well acquainted with the testator. He witnessed execution of the Will by the testator and the testator signed the Will in his presence and the presence of Mr.K.Shivakumar. He also stated that the attesting witness signed in the presence of testator. He has also affirmed that the testator was in a sound and disposing state of mind at the time of execution of Ex.P.1 Will. Ex.P.9 is the affidavit of attesting witness.

5. From the evidence of P.W.1 and P.W.2, the mandate of Section 63(c) of Indian Succession Act read with Section 68 of Indian Evidence



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Act, 1872 stands fulfilled and 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 favour of the petitioner.

6. The Original Petition is ordered. Registry is directed to issue probate to the petitioner with the Will dated 08.02.2018 annexed.

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