

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 30TH DAY OF SEPTEMBER 2021
BEFORE
THE HON'BLE MR.JUSTICE S. SUNIL DUTT YADAV

PROBATE C.P. No.2/2020

Between:

Mr. George Antony Pulikotttil,
Son of late Mr. Pulikotttil Verghese Antony
Also known as Mr. P.V. Antony,
Christian, Aged about 44 years,
By profession an executive in Hewlett Packard
* *Presently residing at House # 1,
Makani Number 9283347087*
*Al Dhaith South,
Ras Al Khaimah,
United Arab Emirates [U.A.E.]*
Having a permanent residential address at
#18, Lazar Road Layout,
First Cross Road, Off Lazar Road,
Fraser Town, Bengaluru - 560 005,
Karnataka, And working at
M/s. Hewlett Packard Enterprise,
Post Box # 17295, Building 13,
3rd Floor, Dubai Internet City,
Dubai, U.A.E.,Arabian Gulf.

(By Sri Jose Jacob Olekkongil, Advocate)

And:

NIL ... Respondent

This Probate CP is filed under Section 273 Part IX of the Indian Succession Act, 1925, praying to that he be given leave to prove the Last Will and Testament ("Exhibit-A") executed on 13.10.2011 by the late Mr. Pulikottil Verghese Antony also known as Mr. P.V. Antony, Testator, the son of late Mrs. Rosa Verghese and late Mr. Pulikottil Kuriakose Verghese, in common form and etc.

This Probate CP coming on for hearing this day, the Court made the following:

**Inserted vide Court order dated 06.06.2022.*

ORDER

The petitioner, who is the son of late Pulikottil Verghese Antony has filed the present petition seeking for grant of Probate of the Testator's last Will and testimony executed on 13.10.2011. A copy of the Will is produced alongwith the petition.

2. The petitioner is stated to be the executor of the Will. It is submitted that the father of the petitioner died on 09.06.2016 and certified copy of the Death Certificate is enclosed with the petition.

3. It is submitted that the testator, late Pulikottil Varghese Antony was survived by his wife Mrs.Kochu Thressia Antony Pulikottil nee M.M.Lona, daughter Mrs.Rose Mary Raphel nee Antony Pulikottil and son Mr.George Antony Pulikottil, who is the petitioner herein.

4. It is submitted that late Pulikottil Verghese Antony had executed the Will dated 13.10.2011. As per the terms of the Will, the testator has bequeathed Schedule

Property No.2 for the exclusive use of his daughter. Insofar as Schedule Property No.1, 75% of the ownership with 'de-jure' and 'de-facto' rights and possession was bequeathed to the son, who is the petitoiner herein including all the moveables in Schedule Property No.1 including the bank accounts, fixed deposit and etc.

5. The testator further had directed his son to give the cash worth 25% of the Fair Market Value of Schedule Property No.1 to his daughter Mrs.Rose Mary Raphael with further direction as contained in para-21 of the Will.

6. The attesting witness No.1 Mrs.Kochu Thressia Antony is stated to have died on 18.01.2019 and copy of the Death Certificate is enclosed at Exhibit-C.

7. Insofar as other two attesting witnesses, viz., Mr.Antony Newcastle and Mr.Susheel Jacob, the affidavits of the said attesting witnesses are produced at Exhibits-'D' and 'E' wherein, the attesting witnesses have stated that the Will was signed in their presence.

8. It is further submitted in the petition itself that the Will has been acted upon and necessary averments at para-13 have been made in that regard.

9. It is to be noted that the Citation was taken out in the English daily 'The Hindu', Bengaluru Edition on 07.02.2020 regarding the proposed grant of Probate and so also in the Kannada daily, 'Vijaya Karnataka', Bengaluru Edition on 07.02.2020. Despite such publication, no objections have been filed.

10. In light of the above stated facts and taking note of the affidavits of attesting witnesses and the material on record, the petition deserves to be allowed and Probate is to be granted in favour of the petitioner in respect of Will dated 13.10.2011 executed by late Pulikotttil Verghese Antony. The petitioner to pay the court-fee of Rs.39,000/- which is the lesser of the amount as prescribed under Article 6(b) of Schedule I of the Karnataka Court Fees and Suits Valuation Act, 1958.

11. Accordingly, the petition is allowed. Registry is hereby directed to issue Probate of the Will dated 13.10.2011, executed by late Pulikotttil Verghese Antony, subject to the condition that the petitioner shall file the Inventory of Assets within six months from the date of grant of Probate and the true and full Accounts of Estate within one year from the date of grant.

12. Registry to return the original Will which is kept in the safe custody to the petitioner after collecting its authenticated copy for the record purpose.

**Sd/-
JUDGE**

VGR