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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-07-2026

CORAM

THE HON'BLE DR.JUSTICE A.D.MARIA CLETE

OP No. 504 of 2024

TK.Raghunathan
Residing at 15457 Willow Street,
Pierrefonds, Quebec, Canada H9H 4H2.

..Petitioner(s)

Vs

1. Mrs.Rama Narasimhan
   Residing at Flat Old No.26,
   New No.4-A, Vijayalakshmi Street,
   Mahalingapuram,
   Chennai - 600 034.
2. Divya Narasimhan
   Residing at Door No.6/7,
   Venkataramana Flats,
   Flat S-4, II Block, 2nd Floor,
   West Mambalam,
   Chennai - 600 033.

..Respondent(s)

PRAYER: That they may be allowed to prove the will in common form and that probate thereof, to have effect throughout the State of Tamil Nadu may be granted to him Gross Amount Rs.1,30,00,000/- and Net Amount Rs.1,30,00,000/- Suc.duty of Rs.25,000/- paid at the time of filing

For Petitioner(s): Abishek Jenasenan
Aparajitha Vishwanath

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Sneha Parthasarathy
Jeevan Hari

For Respondent(s): M/s.I.Nagarajan
S.Jayalakshmi
For R1 - D.No.28915/2025
Vak Filed On 24.07.2025
M/s.Darshan Parikh
For R2 - D.No.28917/2025
Aos Filed Dno: 9646,dt: 11/03/2025

ORDER

This Original Petition has been filed under Sections 222 and 276 of the Indian Succession Act, 1925, seeking grant of probate of the last Will and Testament dated 24.09.2015 executed by late T.V.Vasantha, who died on 08.09.2020.

2. The petitioner is the younger brother of the testatrix and one of the beneficiaries under the Will. Though the Will does not describe him expressly as the "executor", it authorises him to appoint a power agent for distributing the movable and immovable properties forming part of the estate and further provides that his decision in the event of any dispute shall be final. These provisions entrust the petitioner with the essential duties relating to the administration and distribution of the estate. His appointment as executor therefore arises by necessary

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implication within the meaning of Section 222(2) of the Indian Succession Act, 1925. The petition for probate is consequently maintainable.

3. The petitioner was examined as P.W.1. He identified the original Will dated 24.09.2015, which was marked as Ex.P1, and deposed regarding the death of the testatrix, her relationship with the parties, the properties forming part of the estate and the circumstances in which the Will came to his knowledge. The death certificates of the testatrix and her husband were also marked in evidence.

4. More importantly, both attesting witnesses to the Will were examined. R.Revathi, examined as P.W.2, and M.S.Raghunathan, examined as P.W.3 stated that the testatrix signed the Will in their presence and that each of them attested it in the presence of the testatrix and of the other attesting witness. They also stated that the testatrix was in a sound state of mind and in good health at the time of execution. Their evidence establishes the execution and attestation of the Will in the manner required by law.

5. The evidence of the attesting witnesses is consistent with their affidavits filed along with the petition. There is no material contradiction concerning the

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execution, attestation or testamentary capacity of the testatrix. No suspicious circumstance surrounding the execution of the Will has been brought to the notice of this Court.

6. The respondents are beneficiaries under the Will. Both of them have filed consent affidavits stating that they have no objection to probate being granted. No caveat has been entered and there is no contest to the testamentary disposition.

7. The original Will has thus been produced; its execution and attestation have been proved through both attesting witnesses; the testamentary capacity of the testatrix has been spoken to; the beneficiaries have consented to the grant; and there is no circumstance creating any legitimate suspicion regarding the genuineness of the Will. This Court is therefore satisfied that the Will dated 24.09.2015 is the last Will and Testament of late T.V.Vasantha and that the petitioner is entitled to probate.

8. Accordingly, this Original Petition is allowed. Probate of the last Will and Testament dated 24.09.2015 of late T.V.Vasantha is granted to the petitioner, to have effect throughout the State of Tamil Nadu.

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9. The petitioner shall duly administer the estate and file a true and full inventory within six months from the date of grant and render true and proper accounts within one year from the said date. No order as to costs.

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Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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List of Witnesses examined on the side of the Petitioner:

PW1 – Mr.T.K.Raghunathan.
PW2 – Mrs.R.Revathi
PW3 – Mr.M.S.Raghunathan.

List of Documents marked on the side of the Petitioner:

Ex.P.1 is the original Will of Mrs.T.V.Vasantha.
Ex.P.2 is the Death certificate of Mrs.T.V.Vasantha.
Ex.P.3 is the Death certificate of Mr.K.R.Chellappa.
Ex.P.4 is the Affidavit of Witness No.1 in the Will Mrs.R.Revathi.
Ex.P.5 is the Affidavit of Witness No.2 in the Will Mr.M.S.Raghunathan.
Ex.P.6 is the photocopy of the Aadhaar card of PW2 (compared with the original)
Ex.P.7 is the photocopy of the Aadhaar card of PW3 (compared with the original)

List of Witnesses examined on the side of the respondents: Nil

List of Documents marked on the side of the respondents:Nil

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DR.A.D.MARIA CLETE, J.

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