

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(TESTAMENTARY AND INTESTATE JURISDICTION)

WEDNESDAY, THE 13th DAY OF APRIL 2016

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN

OP.NO.223 OF 2013

In the matter of Indian
Succession Act 1925 (Act
XXXIX of 1925) and in
the matter of the Last
Will and Testament of
Mr.T.A.Krishnamurthy
(Deceased).

T.K.Suresh
S/o.Mr.T.A.Krishnamurthy
No.43/428A,
Manimegalai Street
Periakuppam
Rajajipuram
Thiruvallur-602 001.

....Petitioner

-Vs-

***1.Mrs.T.Vasanth krishnamurthy**
W/o.T.A.Krishnamurthy

***2.Mrs.Subashini S.Balaji**
W/o.K.Sridharan Balaji

Both residing at
Old Door No.28, New Door No.20
12th Avenue Ashok Nagar
Chennai-600 083

....Respondents

*** R1 & R2 impleaded as per order
dated 15.02.2016 in
application No 7526 of 2015**

This Original Petition praying that this Hon'ble
Court be pleased to allow the Petitioner to prove the
Will in common form and that probate thereof to have

the property mentioned in the Affidavit of Assets may be granted to him.

This Original Petition coming on this day before this court for hearing the court made the following order:

This is an original petition filed under Sections 222 and 276 of the Indian Succession Act seeking Probate in respect of the last Will and Testament of Mr.T.A.Krishnamurthy.

2. Heard the learned counsel for the applicant and the counsel on behalf of the respondents.

3. The petitioner is the son of Thiru.T.A.Krishnamurthy, who died on 03.08.2012 at Chennai. The deceased executed his last Will and Testament on 06.06.2005 in the presence of two witnesses. The Will was registered as Document No.33 of 2005 on the file of Sub-Registrar, Ashok Nagar. The first respondent is the widow of Thiru.T.A.Krishnamurthy. The second respondent is the daughter of Thiru.T.A.Krishnamurthy.

4. The Testator in his last Will and Testament made provision for the enjoyment of his property.

<https://hcservices.ecourt.gov.in/hcservices/> the first respondent, who is the widow is given

life interest in the property bearing Plot No.C-722, Door No.28, 12th Avenue, Ashok Nagar, Chennai - 600 083. The petitioner and the second respondent are given equal rights in respect of the land. The ground floor portion and the back portion of the first floor of the house is given to the petitioner. Similarly, the front portion of the first floor of the house is given to the second respondent. The petitioner was appointed as the sole Executor of the Will. The petitioner now seeks probate.

5. The petitioner was examined as P.W.1. The following documents were marked through him:-

Exhibits	Documents
Ex.P1	Computer generated copy of the death certificate of Thiru.T.A.Krishnamurthy, who died on 03.08.2012
Ex.P2	Original registered Will and Testament executed by Thiru.T.A.Krishnamurthy on 06.06.2005 and registered as Document No.33 of 2005 before the SRO, Ashok Nagar
Ex.P3	Certified copy of the legal heirship certificate dated 31.08.2012 in respect of the deceased
Ex.P4	Photocopy of the property tax demand card in the name of the deceased
Ex.P5	Affidavit of Assets showing the net value of the property at Rs.1,19,80,000/-

6. The first respondent was examined as P.W.2. Her consent affidavit was marked as Ex.P6. The second respondent was examined as P.W.3. Her consent affidavit was marked as Ex.P7.

7. The petitioner has adduced secondary evidence of P.W.4 to prove the execution of Will and attestation.

8. In view of the evidence on record, I am satisfied that the petitioner is entitled to the grant of Probate. Issue Probate.

In the upshot, I allow the Original Petition.

sd/.K.K.S.J

13.04.2016

//Certified to be a true copy//

Dated this the day of 2016

S.s/05.10.2016

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.