

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(TESTAMENTARY AND INTESTATE JURISDICTION)

FRIDAY, THE 29TH DAY OF APRIL 2016

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

OP.NO.872 OF 2013

In the matter of the Indian
Succession Act XXXIX of
1925

and

In the matter of Last Will
and Testament of
Hotchand Issardas.Deceased.

Kishindas

...Petitioner

-VS-

1.Rani @ Ratna .R.Bakhtani

2.Manju @ Mala.A.Nagpal

3.Sheila @ Mamta.A.,Kalro

4.Anu @ Harsha.Achhabria

5.Mani Bai.

6.Meena.P.Achapal

7.Nandlal.

...Respondents

This Original Petition praying that this Hon'ble
Court be pleased that the petitioner may be allowed to
prove the Will in common form and that Probate thereof to
have effect limited to the State of Tamilnadu may be
granted to the petitioner and justice rendered.

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 Thiru.Hotchand Issardas, who died on 03.06.1987 at Chennai.

2. Thiru.Hotchand Issardas executed his last Will and Testament on 12.07.1975 in the presence of two witnesses. The petitioner was named as the sole Executor under the Will. The respondents are the other legal representatives of the Testator. The petitioner has therefore come up with this petition for the grant of Probate.

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

Exhibi ts	Documents
Ex.P1	Original death certificate of Thiru.Hotchand, who died on 03.06.1987
Ex.P2	Original registered Will and Testament dated 12.07.1975 executed by Thiru.Hotchand Issardas, which was registered as Doc.No.54 of 1975 on the file of SRO, Purasaiwalkam.
Ex.P3	Original death certificate of Mohandas, who died on 16.03.1992.
Ex.P4	Photocopy of the legal heir ship certificate dated 29.07.1992 in respect of the deceased Mohandas

Exhibits	Documents
Ex.P5	Computer generated death certificate of Indra Mohandas Rajani, who died on 29.10.2012
Ex.P6	Original death certificate of Tulsidas Hotchand, who died on 11.11.1993
Ex.P7	Computer generated property tax receipt dated 17.04.2013 standing in the name of the petitioner
Ex.P8	Original receipt dated 22.04.2013 standing in the name of the petitioner, issued by Chennai Metropolitan Water Supply and Sewerage Board
Ex.P9	Affidavit of Assets showing the net value of the property at Rs.6,89,780/-
Ex.P10	Consent affidavit given by the first respondent stating that she has no objection in granting Probate in respect of the Will Ex.P2
Ex.P11	Consent affidavit given by the 2nd respondent stating that she has no objection in granting probate in respect of the Will
Ex.P12	Consent affidavit given by the third respondent
Ex.P13	Consent affidavit given by the fourth respondent
Ex.P14	Consent affidavit given by the sixth respondent

4. P.W.2 was examined to prove the Will. P.W.2

in his evidence confirmed that the Testator executed her last Will and Testament in a sound and disposing state of mind and that he along with the other witness attested the Will at the same time. The affidavit of P.W.2 was marked as Ex.P15.

5. 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

29.04.2016

//Certified to be a true copy//

Dated this the day of 2016

S.s/29.04.2016

COURT OFFICER

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

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