

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

DATED, THE 21ST DAY OF NOVEMBER 2017

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

O.P.No.551 of 2017

In the matter of Indian Succession Act, XXXIX of 1925 and In the matter of the last Will and Testament of C.S.Eakshmi Ammal (Deceased)

S.Goplakrishnan,
Old NO.56, New No.111,
Kutchery Road,
Mylapore,
Chennai 600 004

..Petitioner

Original Petition praying that this Honble Court be pleased to allowed to prove the Will in common form, and that probate thereof, to have effect limited to the State of Tamil Nadu may be granted.

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

This petition has been filed under Sections 222 and 276 of the Indian Succession Act, 1925 read with Order XXV, Rule 4 of Original Side Rules, for the grant of Probate in respect of the Will in common form.

2.Heard the learned counsel appearing for the petitioner.

3.In the petition, it is stated that the deceased C.S.Lakshmi Ammal died on 07.02.2000 at New No. 111, Old

No. 56, Kutchery Road, Mylapore, Chennai - 600 004 and she was ordinarily residing at the said address. The deceased executed his last Will and Testament dated 06.01.2000. The petitioner has been appointed as an executor in the Will. The amount of assets which are likely to come to the petitioner's hands does not exceed in the aggregate sum of Rs.50,00,000/- and the net amount of the said assets after deducting all items, which the petitioner is by law allowed to deduct is only of the value of Rs.50,00,000/-. The petitioner undertakes to duly administer the property and credits of the deceased C.S.Lakshmi Ammal and in any way concerning the Will by paying first her debts and then the legacies therein bequeathed so far as the assets will extend and to make a full and true inventory thereof to the Court within six months from the date of grant of Probate to the petitioner and also to render to this Court a true account of the said property and credits within one year from the said date. सत्यमेव जयते

4.No application has been filed in any other Court for the Probate of the Will of the said deceased or Letters of Administration with or without the Will annexed to her property.

5.The petitioner examined himself as P.W.1 and he had narrated the averments made in the petition stating that

the petitioner has filed this petition for the grant of probate in his favour in respect of the Last Will and Testament executed by the testator on 06.01.2000. The petitioner marked the following documents viz., Exs.P1 to P6:

Ex.P1 is the original death certificate of the petitioner mother's elder sister C.S.Lakshmi Ammal, who died on 07.02.2000;

Ex.P2 is the original unregistered last Will and Testament dated 06.01.2000 executed by petitioner's maternal aunt C.S.Lakshmi Ammal and the Will has been attested by two witnesses namely; Mr.K.Subramaniam and Mr.V.Mohan;

Ex.P3 is the photocopy of the extract from permanent land register in respect of the property comprised in Survey No. 3236, Mylapore Revenue Division. (Marked after comparing and verifying with the original);

Ex.P4 is the affidavit of assets showing the net value of the property as Rs.50,00,000/-;

Ex.P5 is a copy of paper publication effected in one issue of Tamil daily "Makkal Kural" dated 07.09.2017;

Ex.P6 is a copy of paper publication effected in one issue of English daily "Trinity Mirror" dated 15.09.2017.

6. One of the attestors of the Will dated 06.01.2000

viz., Mr.K.Subramanyam was examined as P.W.2. In his evidence, P.W.2 has stated that the testatrix executed her last Will and Testament on 06.01.2000 in his presence and in the presence of one Mr.V.Mohan. At her request, P.W.2 subscribed his signature as the first attesting witness along with Mr.V.Mohan, who attested the Will as the second attesting witnesses in the presence of the testatrix. While executing the Will, the testatrix was in a sound and disposing state of mind, memory and understanding. Ex.P.7 is his affidavit in this regard.

7. From the averments made in the petition and the deposition of P.W.1 supported by the documents, it is clear that the petitioner has proved his claim and there is no contra evidence. Hence, I am satisfied that the petitioner is entitled to the relief sought for.

8. The Original Petition is ordered. Grant probate of the Will in respect of the petitioner.

sd/-C.V.K.J

21.11.2017

//Certified to be a true copy//

Dated this the day of 2019.

R.s/12.07.2019

COURT OFFICER

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