

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

THURSDAY, THE 11TH DAY OF JULY 2019

THE HON'BLE MR.JUSTICE R.SUBRAMANIAN

O.P.No.117 of 2018

In the matter of Indian
Succession Act, XXXIX of
1925
and

In the matter of Last
Will and Testament of
Mrs.Krishna Maheswari -
deceased

Mr.Dipeshchandak,
S/o.Mr.Mahaveer Prasad Chandak,
No.9, Earle Street,
Kolkatta

..Petitioner

-VS-

1.Smt.Anita Chandak Alias Aditi Chandak,
W/o.Mr.Dipesh Chandak,
No.9, Earle Street,Ritchie Park,
Kolkatta-26.

2. Binendra Maheswari,
S/o.Late Mr.Ravindra Maheswari,
No.5, TiruvallurSalai,
Bethel Nagar, Injambakkam,
Off:ECR, Chennai-600 115.

3. Upendra Maheswari
S/o.Late Mr.Ravindra Maheswari,
T-1/61-62, Link Garden,
Yamuna Nagar,
Andheri (West), Mumbai-400 053.

4. Sangheetha Bahl
W/o.VenkatBhal,
10201, Nile Drive,
Cupertina, CA 95014,
U.S.A.

..Respondents

Original Petition praying that this Hon'ble Court be pleased that he may be allowed to prove the Will of Sri Krishna Maheshwari dated 07.04.2010 in common form and that to Probate thereof to have effect limited to the Union of India may be granted to the petitioner.

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

The petitioner seeks issuance of probate in respect of the Will dated 07.04.2010 executed by Mrs. Krishna Maheswari. The said Krishna Maheswari died on 30.04.2012.

2. The petitioner is the executor in the Will. The respondents are the children of the testator. The petitioner has examined himself as PW1. He has produced the original Will as Ex.P1 and death certificate of his mother-in-law Mrs. Krishna Maheswari as Ex.P2. The legal heirship certificate has been produced as Ex.P3. The legal heirs have filed their consent affidavits which have been marked as Exs. P9 to P12.

3. A perusal of Ex.P3 shows that respondents 1 to 4 are the legal heirs of the deceased testatrix. The petitioner has also examined one Mrs.Pallavi Sridhar as PW2. She figures as the attesting witness of the Will. P.W.2 subscribed her signature as the second attesting witness along with Mr.S.Noor Ahamed who attested the Will as first attesting witness in the presence of the testatrix.

4. From the above evidence, it is seen that the petitioner has proved the execution of the Will and he is

entitled to probate. Hence the original petition is allowed granting probate to the petitioner in respect of the Will of late Mrs.Krishna Maheswari dated 07.04.2010.

Sd/.R.S.M.J
11.07.2019

//Certified to be a true copy//
Dated this the day of 2019.

SU/02.08.2019

COURT OFFICER

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



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