

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

TUESDAY, THE 27TH DAY OF AUGUST 2019

THE HON'BLE MR. JUSTICE R.SUBRAMANIAN

O.P.No.214 of 2018

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

In the matter of
Last Will and Testament
of R.Balasubramanian
deceased

S.VISWANATHAN

S/o.Late E.Swaminathan, No.1F, Sancia Apartments,
Nanjundapuram Main Road, Netaji Nagar,
Coimbatore - 641036 ..Petitioner

-VS-

1.R.KRISHNAMOORTHY

S/o.Late Ramaswamy Plot No.27, Door No.21, Balaji Nagar,
3rd Street, Adambakkam, Chennai- 600 088

2.Mrs. SAVITHRI VENKATRAMAN

D/o.Late Ramaswamy 18/25, Ragoji Pandithar St.,
Melakaveri, Kumbakonam - 612002

3. R.BALAJI

S/o.(Late)R.Rajagopalan, B.1, Vinayaka Flats, NO.8,
IIIrd Main Road, New Colony, Chrompet,
Chennai- 600 044

4. SHANTHI KRISHNA

D/o.(Late) R.Natarajan & W/o.Late Radhakrishnan, G-1,
Jasmine Apartments, 6/34, Prakasam Road, T.Nagar,
Chennai - 600 017

5. REVATHI RAJESH

W/o.Rajesh, B.1, Vinayaka Flats, No.8,
IIIrd Main Road, New Colony, Chrompet, Chennai- 600 044

6. REVATHI VISWANATHAN

D/o.(Late) R.Natarajan, No.1F, Sancia Apartments,
Nanjundapuram Main Road, Netaji Nagar,

Coimbatore - 641036

..Respondents

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Original Petition praying that this Hon'ble Court be pleased 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.

This Original Petition coming on this day before this court for hearing the court made the following order:
The Original Petition has been filed seeking Probate for the Will of late R.Balasubramanian who died on 25.08.2003 leaving behind the Will dated 09.06.2003.

2. The petitioner has been appointed as Executor under the said Will. The respondents 1 and 2 are the brother and sister of the Testator. The respondents 3 to 5 are the children of the deceased brothers of the Testator. The 6th respondent is the beneficiary. The parents of the Testator pre-deceased him.

3. The petitioner has examined himself as PW1. He has produced the death certificate and the original Will as Ex.P1 and Ex.P2. Ex.P3 is the letter of the Tahsildar, Mambalm Taluk, in and by which, he has expressed his inability to issue legal heirship certificate since there are no class - I heirs. The respondents have filed their consent affidavits expressing their consent for grant of Probate in favour of the petitioner and the same have been marked as Ex.P6 to Ex.P10.

4. The petitioner has also examined one R.Krishnamoorthy an attesting witness as PW2. He is the 1st respondent in the Original Petition and also the brother of the Testator. He had deposed about the execution of the Will by the Testator and its attestation by himself along with M.S.Vaidyanathan and R.Rajagopalan. In view of the above evidence, I find that the petitioner has proved the

execution of the Will in common form and is entitled to Probate.

5. In fine, the Original Petition is allowed granting Probate in respect of the Will of late R.Balasubramanian dated 09.06.2003.

Sd/.R.S.M.J

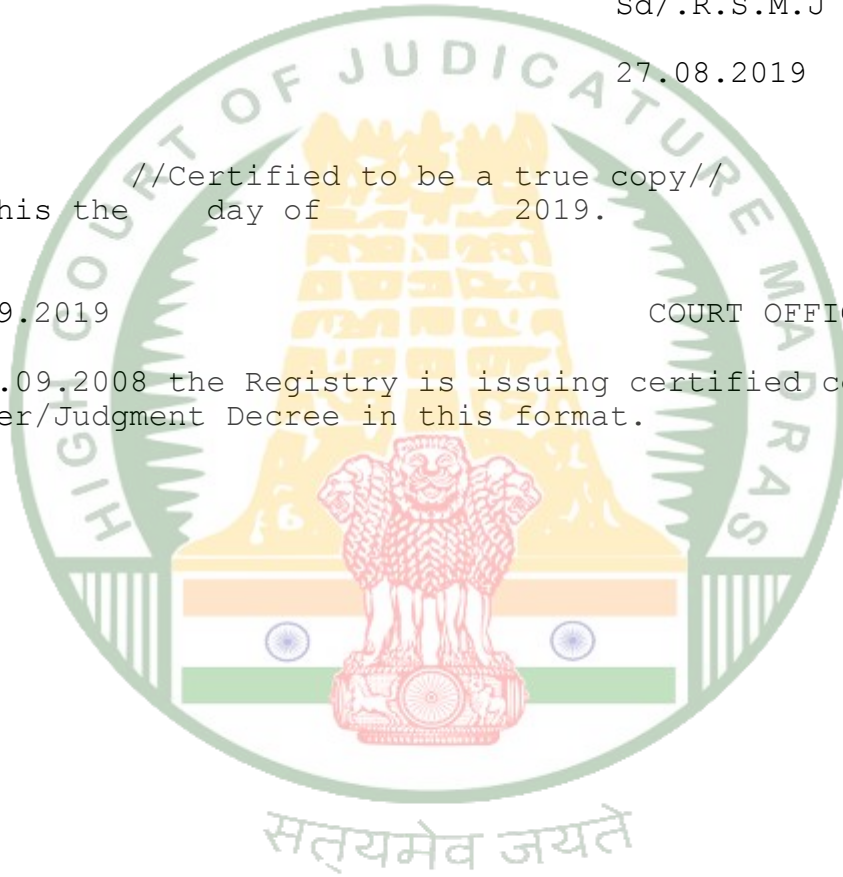
27.08.2019

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

SU/12.09.2019

COURT OFFICER

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



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