

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

TUESDAY, THE 6th DAY OF AUGUST 2019

THE HON'BLE MR. JUSTICE R.SUBRAMANIAN

O.P. No.407 of 2019

In the matter of Indian
Succession Act (Act XXXIX
of 1925)

and

In the matter of the last
Will and Testament of
Smt.L.Rajeswari -Deceased

M.L.Venkataswamy,
S/o.V.Lakshmipathy,
New No.2, Old NO.109
Ellaiamman Koil Street,
West Mambalam,
Chennai 600 033

...Petitioner

-vs-

1.Smt.M.L.Shyamala,
D/o.V.Lakshmipathy,
New No.2, Old NO.109,
Ellaiamman Koil street,
West Mambalam,
Chennai 600 033

2.Smt.M.L.Nirmala,
D/o.V.Lakshmipathy,
New No.2, Old NO.109,
Ellaiamman Koil street,
West Mambalam,
Chennai 600 033

3.Smt. M.l.Parimala,
D/o.V.Lakshmipathy,
New No.2, Old NO.109,
Ellaiamman Koil street,
West Mambalam,
Chennai 600 033

4.Smt. M.L.Vimala,
D/o.V.Lakshmipathy
New No.2, Old NO.109,
Ellaiamman Koil street,
West Mambalam,
Chennai 600 033

5.Smt. M.L.Kamala @ Mala,
D/o.V.Lakshmipathy
New No.2, Old NO.109,
Ellaiamman Koil street,
West Mambalam,
Chennai 600 033

6.Mr..Sethulingam
S/o.I.Rangasamy Reddy
1-B, Gandhi Street,
West Mamabalam,
Chennai 600 033

7.Ms.R.S.Mirudula,
D/o.Mr.R.Sethulingam,
1-B, Gandhi Street,
West Mamabalam,
Chennai 600 033

...Respondents

Original Petition praying that this Honble Court be pleased to the Petitioner may be allowed to prove the Will dated 01.07.2005 of Mrs.L.Rajeswari in common form, and that probate thereof, to have effect through out the State of Tamil Nadu may be granted to 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 01.07.2005 executed by Mrs. L.Rajeswari who died on 29.04.2018.

2. The petitioner is the son of the deceased L.Rajeswari who has been appointed as a executor under the said Will. The respondents 1 to 5 are the daughters of the deceased L.Rajeswari and respondents 6 to 8 are the legal heirs of the predeceased daughter.

3. The petitioner has examined himself as PW1. He has produced the original Will dated 01.07.2019 and the same has been marked as Ex.P1. Ex.P2 is the death certificate of the testator and Ex.P3 is the legal heirship certificate. Ex.P4 is the death certificate of Mrs.M.L.Komala one of the daughters of the testator and Ex.P5 is the legal heirship certificate.

4. A perusal of Ex.P3 and P5 would show that the petitioner and the respondents are the legal heirs of deceased L.Rajeswari. All the respondents have filed their consent affidavits signifying their no objection for grant of Probate for the Will dated 01.07.2005. The said consent affidavits have been marked as Ex.P7 series.

5. The petitioner has also examined one M.V.Prabhakar as P.W.2. He figures as the attesting witness to the said

Will. He has spoken about the execution of the Will by the testatrix in the presence of himself and another witness C.S.Yamuna, as well as the attestation of the Will by both of them.

6. Considering the said evidence, I find 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.L.Rajeswari dated 01.07.2005.

sd/-R.S.M.J

06.08.2019

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

R.s/06.09.2019

COURT OFFICER

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

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