

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

TUESDAY, THE 25th DAY OF JUNE 2019

THE HON'BLE MR. JUSTICE R.SUBRAMANIAN

O.P. No.488 of 2018

In the matter of Indian
Succession Act 1925

and

In the matter of the Last
Will and Testament of Late
K.S.Angamuthu Deceased

T.S.Gurunathan,
Plot No.2, Door No.1
Sreenivasan Street,
Kanaga Lakshmi Flats,
4A, Ullagaram,
Kancheepuram,
Tamil Nadu

...Petitioner

-vs-

1.T.S.Gurumurthy,
No.17/7, Venkatachalam Naicken 3rd Lane,
Triplicane, Chennai 600 005
Tamil Nadu

2.Smt.Muthukumari S.
W/o.Karumbakkam Seeman Chettiar @ Kanagasabai,
1/11, Main Road, Karumbakkam,
Kancheepuram,
Tamil Nadu

3.R.Muthu Rani,
W/o.K.Rajasekar,
No.71/4A, Mudichur Road,
West Tambaram,
Kancheepuram
Tamil Nadu 600 045

4.M.S.Ramesh,
H/o.Late Muthu Vani,

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5.R.Sivagami,
D/o.Late Muthu Vani

6.R.Vigneswarn,
S/o.Late Muthuani
R-4 to R6 are the
legal heirs of Late Muthu Vani

The Respondents 4 to 6
are residing at No.69
MKP Street,
Padmanaban Street,
Contonment, Pallavaram,
Kancheepuram Dt.
Tamil Nadu

..Respondents

Original Petition praying that this Honble Court be pleased that he may be allowed to prove the Will dated 31.05.2004 in common form, and that probate thereof to have effect through out Limited to Tamil Nadu State may be granted to him.

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 of the deceased K.S.Angamuthu dated 31.05.2004. The testator died on 14.06.2016, her husband K.A.Shanmugam predeceased her on 21.02.1992 leaving no Clause-I legal heirs.

2. The petitioner and respondents 1 to 3 are the children of the sister of the deceased and the respondents 4 to 6 are the husband and children of the predeceased daughter. The petitioner has been examined as P.W.1, he

has produced the death certificate of the deceased K.S.Angamuthu as Ex.P2 and the Will has been produced as Ex.P1. The petitioner has also examined one Mr.S.Ganesh as P.W.2, who is one of the attesting witnesses to the Will. He has spoken about the execution of the Will by the testatrix as well as its attestation by himself and one T.C.Sundar Raj. The respondents have also filed their consent affidavits, which have been marked as Exs.P8 to P13.

3. In the light of the said evidence, the petitioner has proved the Will in the common form and is entitled to probate. Accordingly, this original petition is allowed granting probate of the Will dated 31.05.2004 in favour of the petitioner.

sd/-R.S.M.J

25.06.2019

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

R.s/05.07.2019

COURT OFFICER

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