

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2019

CORAM

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

O.P.No.736 of 2018

J.Krishnamachary

... Petitioner

Vs

1.R.Simhan

2.Dr.R.Sampath

3.Mrs.Prabha Srinivasan

4.Mrs.Santha Narasimhan

5.Mrs.Jayasri Raghavan

6.Mrs.Lavanya

7.Mrs.Maithreyi Raghavan

...Respondents

For Petitioners: Mr.R.Kannan

Prayer: Original Petition filed under Section 222 and 276 of the Indian Succession Act, 1925 and Order 25 Rule 4 of the Original Side Rules, 1956, praying to prove the will in common form and that probate thereof, to have effect limited to the State of Tamil Nadu may be granted to him.

ORDER

This Original Petition has been filed for issuance of probate for the joint Will of K.R.Rajagopalan and his wife R.Komalavalli Ammal.

2. The petitioner, who is an advocate filed this application as an executor of the Will. From Ex.P2 and Ex.P3, it is seen that K.R.Rajagopalan and R.Komalavalli Ammal died on 09.08.2010 and 11.07.2015 respectively. Ex.P4 is the legal heirship certificate. It shows that the respondents 1 to 7 are the legal heirs of the deceased K.R.Rajagopalan. Except the fourth respondent Santha Narasimhan, all the other legal representatives have given their consent affidavits. The consent affidavits have been marked as Exs. R1 to R6.

3. The fourth respondent, daughter, though served with notice has not chosen to file a caveat. She remained *ex-parte*. It is seen from Exs.P.14 and P.15 that the said daughter has chosen to decline her share though she had not accepted the Will. The fact remains that though she has been served with notice, she had not entered caveat.

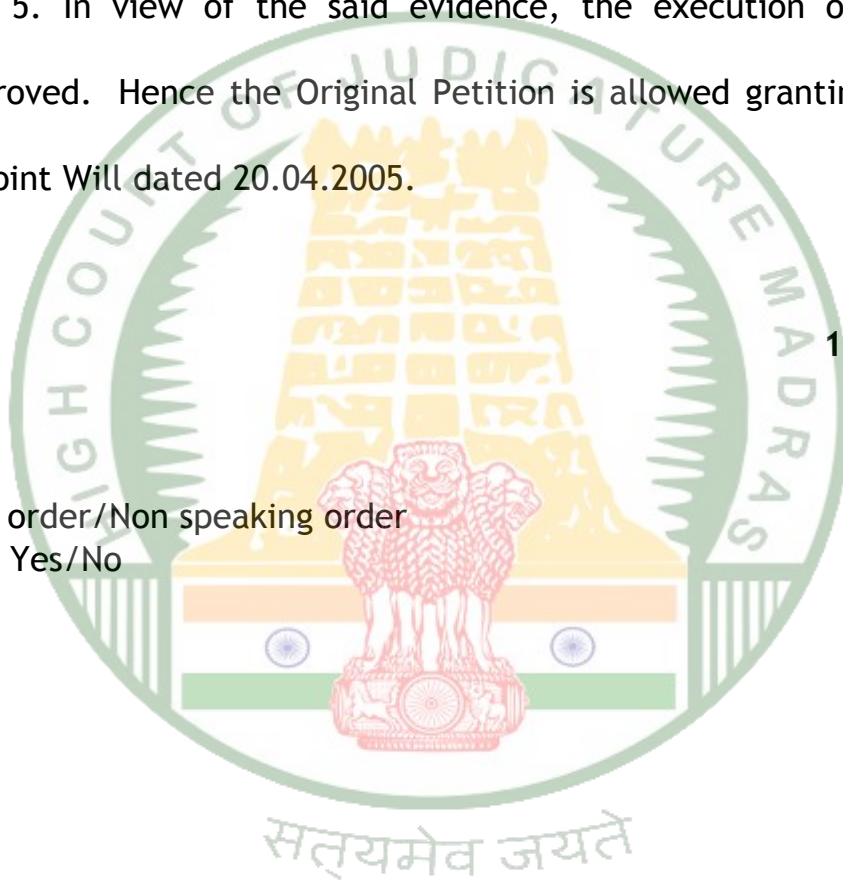
4. The attesting witness to the Will Mr.B.Murali has been examined as P.W.2. He has spoken about the execution of the Will by the testator and its attestation by himself and by Mr.M.Seshadri.

5. In view of the said evidence, the execution of the Will stands proved. Hence the Original Petition is allowed granting probate for the joint Will dated 20.04.2005.

14.02.2019

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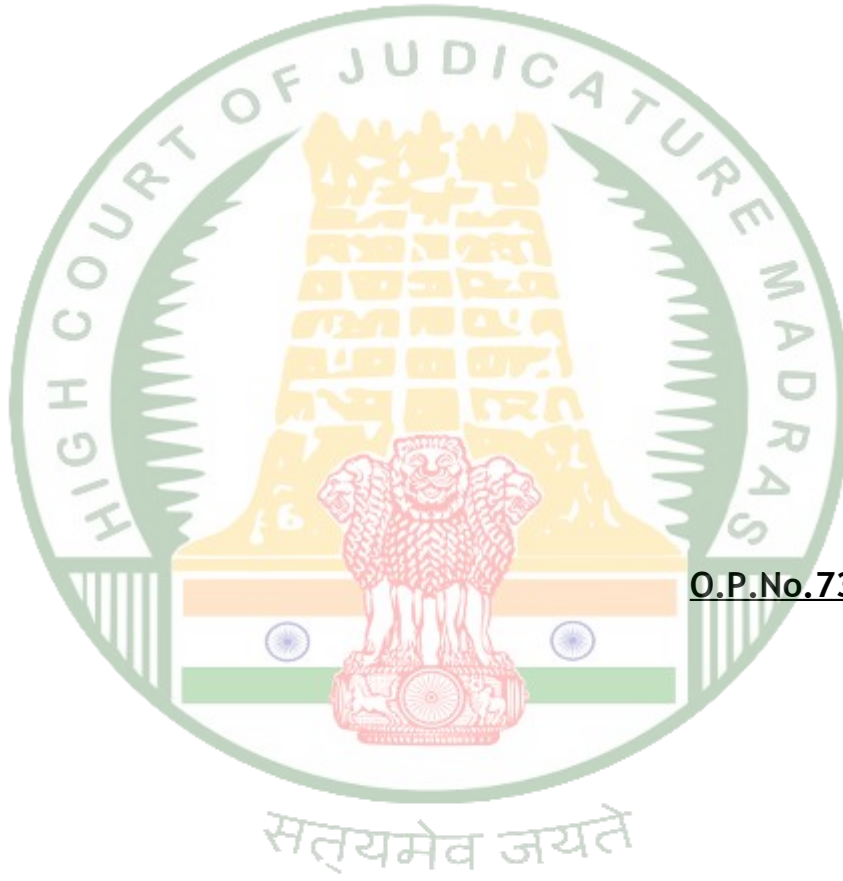
Speaking order/Non speaking order
Internet: Yes/No



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