

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

WEDNESDAY, THE 03RD DAY OF APRIL 2019

THE HON'BLE MR.JUSTICE R. SUBRAMANIAN

O.P.No.776 of 2018

In the matter of the Indian
Succession Act, 39/1925

And

In the matter of last will and
Testament of C.P. Shanmuga
Sundaram(Deceased)

Thiru.S.Vedachalam,
S/o. Late C.P.Shanmuga Sundaram,
New No.9, Old No.5, Ganapathy Mudali Street,
Triplicane, Chennai 600 005. ...Petitioner

-Vs-

1. Tmt.S. Saraswathi
W/o Late C.P.Shanmuga Sundaram,
New No.9, Old No.5, Ganapathy Mudali Street,
Triplicane, Chennai 600 005.

2. Tmt.S. Sankari,
W/o B. Shanmugasundaram,
Flat No.137, Sidarth Natura Appartment,
No.40, Vadakkupattu Main Road, BHEL Nagar,
Medavakkam, Chennai 600 10. ...Respondents

Original Petition praying that this Hon'ble Court be
pleased to Prove the Will in common form, and that Probate
thereof to have effect limited to the State of Tamil Nadu
and limited to property mentioned in Affidavit of Assets
may be Granted to then and thus render justice.

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

The petitioner seeks issuance of probate for the Will
dated 26.08.1988 executed by late C.P.Shanmugasundaram, who
died on 13.11.1993.

2.The petitioner who is the son of the said deceased

C.P.Shanmugasundaram has been appointed as executor. The respondents 1 and 2 are the wife and the daughter of C.P.Shanmugasundaram.

3.The petitioner has been examined as P.W.1. He has produced the death certificate of the deceased C.P.Shanmugasundaram as Ex.P1 and the original Will has been marked as Ex.P2. The legal heirship certificate of the deceased has been marked as Ex.P4. The 1st respondent has filed consent affidavit and the same has been marked as Ex.P5. The 2nd respondent despite service has not appeared either in person or through counsel. The petitioner has also examined Thiru.P.Thirugnanam, who is a family friend of C.P.Shanmugasundaram. He has identified the signatures of C.P.Shanmugasundaram and S.Saraswathi. Apart from identifying the signatures of the Testator and Testatrix he has also identified the signatures of the attesting witnesses M/s.Elhumalai and K.Veeraraghavan.

4.In view of the above evidence, I conclude that the petitioner has proved the execution of the Will by the testator and the petitioner is entitled for grant of probate. Hence, this Original Petition is allowed granting probate of the Will dated 26.08.1988 executed by C.P.Shanmugasundaram.

sd/-R.S.M.J

03.04.2019

//Certified to be a true copy//

Dated this the day of 2019.

IG/24.04.2019

COURT OFFICER

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