IN THE HIGH COURT OF JUDICATURE AT MADRAS

(TESTAMENTARY AND INTESTATE JURISDICTION)

THURSDAY, THE 20th DAY OF JUNE 2019

THE HON'BLE MR. JUSTICE R.SUBRAMANIAN

O.P. No.1097 of 2018

In the matter of the Indian Succession 1925
and
In the matter of Last Will and Testament dated 14.07.1997 of late Rita Harilal

Kailash P.Hemdev,
Son of Mr.Prabhudas Gurumukh Singh,
aged about 55 years,
residing at 2, 1st Street,
Haddows Road, Nungambakkam,
Chennai 600 006 ...Petitioner

-vs-

1.Prakash H.Hemdev,
Son of late Harilal Gurumukhsingh,
aged about 57 years,
Kleem Villa,1/4,Kothari Road,
3rd Floor,Nungambakkam,
Chennai 600 034

2.Sabita Sanjay (formerly, Sabita Harilal)
Wife of Mr.Sanjay B,
aged about 52 years,
Residing at 210,
Ascalon Court,
Alpharetta,
GA 30005, USA

3.Jyothi P.Hemdev,
Wife of Mr.Prakash H Hemdev,
aged about 54 years,
Residing at Kleem Villa
1/ 4, Kothari Road,
3rd Floor, Nungambakkam,
Chennai 600 034

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4.Sachin Sanjay,
Son of Mr.Sanjay B,
aged about 22 years,
residing at 210 Ascalon Court,
Alpharetta,
GA 30005, USA

5.Aditya P Hemdev,
Son of Mr.Prakash H Hemdev,
aged about 28 years
residing at 1521
NW Bell Royal Circle,
Bentonville AR 72712 USA

...Respondents

Original Petition praying that this Honble Court be pleased to allowed to prove the last Will and Testament dated 14.07.1997 of late Rita Harilal(deceased) in common form, and that probate thereof, having effect through out 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 oder:

The petitioner as the executor of the Will of Rita Harilal, who died on 30.11.1997 has filed this original petition seeking issuance of probate for the Will dated 14.07.1997.

2. The respondents are the legal heirs of the deceased. The petitioner has been examined as P.W.1. He has produced the original Will as Ex.P2. The death certificates of Mrs.Rita Harilal and her husband Harilal Gurumukh Singh have been produced as Exs.P3 and P4 respectively. The legal heirship certificate has been produced as Ex.P5. The respondents have filed affidavits signifying their consent for grant of probate, which have been marked as Exs.P7 to P11. Publications have been

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effected and no objections have been received. The petitioner has also examined one Mr.Mukesh P Hemdev as P.W.2, he has spoken about the execution of the Will by the testatrix and its attestation by himself and one Ashok.M.Lulla.

3. In the light of the above evidence, I am satisfied that the petitioner has proved the Will dated 14.07.1997 in the common form and is entitled to probate. In fine, this original petition is allowed granting probate in favour of the petitioner.

sd/-R.S.M.J

20.06.2019

//Certified to be a true copy//

Dated this the day of 2019.

R.s/27.06.2019 COURT OFFICER

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

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