

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(TESTAMENTARY AND INTESTATE JURISDICTION)

THURSDAY, THE 06TH DAY OF JUNE 2019

THE HON'BLE MR.JUSTICE R.SUBRAMANIAN

O.P.No.915 of 2017

In the matter of the Indian
Succession Act XXXIX of
1925

and

In the matter of the Last
Will and Testament of
N.Sundari (deceased)

1.Miss.N.Kanaka,
No.79/1, Arya Gowda Road,
West Mambalam,
Chennai 600 033

***2.Mrs.Geetha Gopi,**
No.59, 4th Street,
Kannadasan Nagar,
Ramapuram,
Chennai 600 089
(Transposed as 2nd Petitioner
vide order dated 12.11.2018
passed in A.No.8636/2018)

...Petitioners

-vs-
सत्यमेव जयते

1.Mrs.G.Shashikala,
W/o.Mr.L.Lakshmana Hegde,
No.11/A1, II Main Road
Srinivasapuram, Korattur
Chennai 600076

2.Mr.G.Surendar @ G.Surendhra Malliya,
Plot No.117, 6th Street, 1st Sector,
K.K.Nagar, Chennai 600 078

3.Mrs.G.Shyama,
W/o. Mr.N.Suresh Gini,
Old No.31, New No.28
Venkatachala Naicker Street,
Triplicane, Chennai 600 005

4.Mr.G.M.Srinivasamallya,
Plot No.117, 6th Street,
Kannadasan Nagar,
Ramapuram, Chennai 600 089

***5.Mrs.Geetha Gopi,**
No.59, 4th Street,
Kannadasan Nagar,
Ramapuram, Chennai 600 089

**(Transposed as 2nd Petitioner
vide order dated 12.11.2018
passed in A.No.8636/2018)**

6.Mr.M.Baskar,
No.209, 4A Cross,
3rd Block, HRBR Layout,
Bangalore 560043

7.Mr.S.Srinivasan,
No.10, 2nd Cross Street,
Gupta Layout Ulsoor,
Bangalore 560008

8.Mr.C.N.Nandagopal,
No.2, Ramanujam Street,
Nungambakkam, Chennai 600 034

9.Mr.N.Krishnan (Deceased)
No.79/1, Arya Gowda Road,
West Mambalam, Chennai 600 033

***10.Mrs.Thenkumari Krishnan,**
W/o.Late Mr.N.Krishnan,
No.79/1, Arya Gowda Road,
West Mambalam, Chennai 600 033

***11.Mrs.Radhika Shankar,
W/o.Late Mr.N.Krishnan,
No.79/1, Arya Gowda Road,
West Mamabalam,
Chennai 600 033**

**(Amended as per order dated
20.03.2019 passed in A.Nos.1297 to 1299/2019)
(R10 & R11 brought on record as Lrs of R9)**

...Respondents

Original Petition praying that this Hon'ble Court be pleased to permit the petitioner to prove the Will dated 31.03.2014 in common form and that probate thereof limited to the State of Tamil Nadu may be granted to the 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 for the Will dated 31.03.2014 executed by Late Mrs.N.Sundari, who died on 03.07.2014.

2. While the first petitioner was appointed as Executor under the Will, the second petitioner was an alternative Executor. Since the first petitioner died pending the original petition, the second petitioner, who was originally shown as 5th respondent was transposed as the second petitioner. The respondents who are the heirs of the deceased N.Sundari have filed their consent affidavits expressing their consent for grant of probate to the Will and the said affidavits have been marked as Exs.P20 to P28.

The death certificate of the testator has been marked as Ex.P16.

3. The petitioner has also examined one Mr.M.Gnana Kumar as P.W.2. The said Gnana Kumar, who is one of the attesting witnesses to the Will has spoken about the execution of the Will by the testator and its attestation by himself and one R. Mohan. The affidavit of the attesting witness has also been marked as Ex.P34.

4. Considering the said evidence, I find that the petitioner has proved the execution and the attestation of the Will and she is entitled to probate of the Will. In fine, this original petition is allowed granting probate to the Will dated 31.03.2014 in favour of the petitioner.

Sd/.R.S.M.J

06.06.2019

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

R.s/17.06.2019

COURT OFFICER

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