

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

MONDAY, THE 24th DAY OF JUNE 2019

THE HON'BLE MR. JUSTICE R.SUBRAMANIAN

O.P. No.954 of 2018

In the matter of Indian
Succession Act XXXIX of 1925
and

In the matter of the last
Will and Testament of
Miss.R.Padmavathy
-Deceased

Mr.R.Venkatasubramanian,
@ Rajagopaul Venkatasubramanian,
S/o.Late Shri K.M.Rajagopaul,
Residing at No.15/87, Dharmakrupa
Garodia Nagar, Ghatkopar(East)
Mumbai 400 077

...Petitioner

-vs-

Mr.R.Govindarajan,
@ Rajagopaul Govindarajan,
S/o.Late Shri K.M.Rajagopal,
Residing at :D-412, Lata Amrut Nagar
C.H.S.Ltd, Amrut Nagar,
Ghatkopar(West), Mumbai 400 086

...Respondent

Original Petition praying that this Honble Court be
pleased to allow the petitioner to prove the Will in common
form and that probate thereof to have effect limited to the
Union of India may be granted to him limited to the
property mentioned in the affidavit of assets.

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

The petitioner seeks probate of the Will dated 28.04.2009 executed by Late.Mrs.R.Padmavathy in favour of her nephews G.Ramkumar and G.Harikumar.

2. The petitioner, who is the elder brother of the deceased had been appointed as the Executor under the said Will. The respondent is the another brother of the deceased, who would have inherited a share in the property in the absence of the Will. The parents of the deceased K.M.Rajagopal and R.Sellammal had predeceased her on 12.01.1979 and 30.12.1993 respectively. The petitioner has examined himself as P.W.1, he has produced the original registered Will as Ex.P1 and the death certificate of the testatrix as Ex.P2. The respondent has filed consent affidavit expressing his no objection for grant of probate, which has been marked as Ex.P4. The petitioner has also examined one Vivek M.Nikte as P.W.2, who figures as one of the attesting witnesses to the Will. He has spoken about the execution of the Will by the testatrix and its attestation by himself along with Dr.K.V.Venkatachalam and Mr.Thomas J.Popally.

3. In view of the said evidence, I find that the petitioner has proved the Will in the common form and is entitled to probate of the Will. In fine, this original petition is allowed granting probate in favour of the petitioner.

sd/-R.S.M.J

24.06.2019

//Certified to be a true copy//

Dated this the day of 2019.

R.s/28.06.2019

COURT OFFICER

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

सत्यमेव जयते

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