



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

FRIDAY, THE 20TH DAY OF DECEMBER 2019

THE HON'BLE MR. JUSTICE SENTHILKUMAR RAMAMOORTHY

O.P. No.1051 of 2018

In the matter of Indian
Succession Act, XXXIX of
1925

and

In the matter of the
registered Last Will and
Testament of C.H.Suguna-
Deceased.

P.R.VIJAYAKUMAR
No.13/17, 3rd Street,
Achuthan Nagar, Ekkaduthangal,
Chennai-600032.

..Petitioner

-vs-

1. S.MALA
No.4/10, 5th Cross Street,
Andal Nagar, Alapakkam, Porur,
Chennai-600116.

2. S.SHANTHI
No.4/10, 5th Cross Street,
Andal Nagar, Alapakkam, Porur,
Chennai-600116.

3. V.PARVATHI
No.6, Sri Janani Nagar Annex,
Mel Ragunathapuram, Mangadai,
Chennai-600012.

4. V.MANJU
No.6, Sri Janani Nagar Annex,
Mel Ragunathapuram, Mangadai,
Chennai-600012.

5. S.KRISHNAKUMARI
No.3/611, Lakshmanaperumal Nagar,
1st Cross Street, Kottivakkam,
Chennai-600041.



6. S.KOTISWARI

No.33, Kandan Street, Shenoy Nagar,
Chennai-600030.

7. V.GANESH

No.8/4, Durgai Amman Temple Street,
Melkandigai, Chither, Nemeli Ondriyam,
Arakkonam.

8. V.SARAVANAN

No.6, Mahalakshmi Nagar,
Agraharam Street,
Poonamallee-600056.

9. R.PADMINI

No.13/17, 3rd Street,
Achuthan Nagar, Ekkaduthangal,
Chennai-600032.

10. R.BHARATH

No.9, Jayson Apartments,
Jothi Nagar Main Road, Ekkattuthangal,
Chennai-600032.

11. K.PADMA

No.9, Jayson Apartments,
Jothi Nagar Main Road, Ekkattuthangal,
Chennai-600032.

12. R.KAPOOR

No.146, 4th Street,
Ganapathy Colony, Saint Thomas Mount,
Chennai-600016.

13. R.KUMAR

No.146, 4th Street, Ganapathy Colony,
Saint Thomas Mount,
Chennai-600016.

14. M.KALAVATHI

No.34/7/216-A, Chettiar Street,
Mel Kavanur Village and Post,
Gudiyattam Taluk, Vellore District-632209.

15. M.LEELA

No.6, Solaiamman Koil,
4th Cross Street, Kodungaiyur,
Chennai-600118.

16. M.DEVIKA RANI @ SHEELA

New No.12/2 (Old No.7B),
Teachers Colony 4th Street,
Kodungaiyur, Chennai-600118.



18. V. SHOBA

19. S.SUJATHA

20. C.H.NARASIMULU

21. N.NAGAMANI

22. R. THRINATH,

23. R.BHARANI PRASAD

24. P.RAVI

25. B.LATHA

.. Respondents



Original Petition praying that this Hon'ble Court be pleased that he may be permitted to prove the Will in common form and that probate thereof limited to the State of Tamilnadu may be granted to him.

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

This petition has been filed under Sections 222 and 276 of the Indian Succession Act 39 of 1925 read with Order XXV Rule 4 of Original Side Rules for grant of Probate to the Executor of the last Will and Testament dated 09.04.2011 of the deceased late C.H.Suguna.

2. I heard the learned counsel for the petitioner.

3. The learned counsel for the petitioner submits that the petitioner is the Executor of the last Will and Testament dated 09.04.2011 of the late C.H.Suguna, which was registered on 06.05.2011 in the office of the Joint Sub-Registrar at Saidapet, Chennai, as Document No.13 of 2011 in Book No.III. He further submitted that the testatrix died on 31.05.2018 at Kumaran Specialities Hospital, No.46, 1st Avenue, Ashok Nagar, Chennai-600 083 and that she left the property at Ekkattuthangal, Chennai-600 032, which is within the jurisdiction of this Court. He further submitted that evidence was adduced through the petitioner who was examined as PW1 and that the following documents were exhibited through PW1:-

1. Ex.P1 is the original Will dated 09.04.2011 executed by Mrs.C.H.Suguna, which has been attested by two attesting witnesses namely 1.Mr.G.Sampath and 2.Mrs.Krishna Kumari.

2. Ex.P2 is the computer generated death certificate of C.H.Suguna, who died on 31.05.2018.

3. Ex.P3 is the computer generated death certificate of C.H.Sathyam, who died on



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12.01.1989.

4. Ex.P4 is the computer generated death certificate of Sathyanarayana, who died on 03.06.2013.
5. Ex.P5 is the photocopy of the Sale Deed dated 08.06.2006 executed in favour of Mrs.C.H.Suguna (compared with original).
6. Ex.P6 is the computer generated Property Tax payment statement dated 07.09.2018.
7. Ex.P7 is the affidavit of assets showing the net value of the estate as Rs.64,90,000/-.
8. Ex.P8 (series 4 Nos) are the consents affidavits given by the respondents.

4. He also pointed out that one of the attesting witnesses was examined as PW2, namely, Mr.G.Sampath, who adduced evidence both as to the execution of the Will and with regard to the sound and disposing state of mind, memory and understanding of the testatrix at the time of execution of the last Will and Testament.

5. I considered the submissions and examined the evidence recorded. From the above, the following is clear:

- a) The original Will dated 09.04.2011, which has been attested by two attesting witnesses, was exhibited as Ex.P1.
- b) The Death Certificate of the testatrix, namely, C.H.Suguna, was exhibited as Ex.P2.
- c) The respondents have provided consent affidavits which have been marked as Ex.P8 (series 4 Nos.)
- d) One of the attesting witnesses was examined as PW2 and he deposed that the Will was executed in his presence and that the testatrix was in a sound and disposing state of mind, memory and understanding at the time of execution of Ex.P1 Will.

