

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

THURSDAY, THE 15TH DAY OF OCTOBER 2020

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

O.P.No. 319 of 2020

In the matter of the Indian
Succession Act, XXXIX of
1925
and
In the matter of Last Will and
Testament of S.Seethalakshmi
(Deceased) W/o.Late
V.Sankaran

Between

Mrs.GEETHA RAVINDRAN,
W/O.LATE S.RAVINDRAN,
FLAT NO.B-1, ASHOK VISESH,
NO.7/4, GOPALAKRISHNA ROAD,
T.NAGAR, CHENNAI-600 017

..Petitioner/Executor

-Vs-
सत्यमेव जयते

1. MRS.KAVITHA RAVINDRAN,
W/O.DR.G.ARUNKUMAR,
B-26, CHERA, DOOR NO.3-C,
DELHI AVENUE, IIT QUARTERS,
IIT MADRAS, CHENNAI-600 036

2. MRS.PREETHA RAVINDRAN
W/O.MR.S.AMARNATH,
C-2, "ASHOK VISESH",
NO.7/4, GOPALAKRISHNA ROAD,
T.NAGAR, CHENNAI-600 017

..Respondents 1 and 2 / Legatees

3. MRS.AKILA RATHNAM
W/O.LATE S.RATHNAM,

403, WINGS, 16/1, CAMBRIDGE ROAD,
ULSOOR, BANGALORE-560 008

4. MRS. SUKANYA CHANDER
W/O.MR.CHANDER,
403, WINGS, 16/1, CAMBRIDGE ROAD,
ULSOOR, BANGALORE-560 008

5.MR. R.SUKUMAR
S/O.LATE S.RATHNAM,
2305, 204TH PLACE – NE,
SAMMAMISH-WA-98074,
WASHINGTON STATE,
UNITED STATES OF AMERICA

6. MR.S.RAMANI
S/O.LATE V.SANKARAN,
C-1, LOTUS MANOR,
SOUTH AVENUE,
KAMARAJ NAGAR,
THIRUVANMIYUR,
CHENNAI-600 041

7.MRS. SHUBHASHINI SUNDARESH
W/O.SUNDARESH,
C-2-3, “SHRINE GARDENS”
IIT ROAD, PARIHAR CHOWK,
AUND, PUNE-411 007,
MAHARASHTRA

8. MRS.PRABHA HARSHA
W/O.MR.HARSHA, 3-C,
BLOCK-3, SABARI TERRACE,
OLD MAHABALIPURAM ROAD
(RAJIV GANDHI SALAI),
SHOLINGANALLUR,
CHENNAI-600 119

9. MRS.SOUNDARA RAMASAMY
W/O.MR.CHO S.RAMASAMY,
RAMANATHAM,
29, VASANTHA AVENUE,

MRC NAGAR, CHENNAI-600 028

10. MRS.S.RAGHURAJAN
S/O.LATE V.SANKARAN,
190/1, NEW NO.8, 8TH STREET,
SREE SAYEE NAGAR,
VIRUGAMBAKKAM, CHENNAI-600 092

11. S.RAM SANKARAN MOHAN
S/O.LATE V.SANKARAN,
8692, TOTEMPOLE DR.CINCINNATI,
OH-45249, OHIO STATE UNITED STATES OF AMERICA

12. MRS.SAROJA RAGHAVAN
W/O.RAGHAVAN,
RAM KRISH, FLAT -1, DOOR NO.9,
16/2, THIRD MAIN ROAD,
NEHRU NAGAR,
ADYAR, CHENNAI-600 020

13.MR. S.RAMPRASAD
S/O.LATE V.SANKARAN,
C/O.MR.KASI VISWANATHAN,
FLAT NO.F-1, 9/19, MALAVIYA AVENUE,
TIRUVANMIYUR, CHENNAI-600 041

14.MRS. SHYAMALA SRINIVASAN
W/O.SRINIVASAN, FLAT NO.S-1,
2ND FLOOR, INDIRA ARCADE, 6/11,
NORTON FIRST STREET,
MANDAVELIPAKKAM,
CHENNAI-600 028

15.MRS. SHANTHA KASI VISWANATHAN
W/O.MR.KASI VISWANATHAN, FLAT F-1, 9/19,
MALAVIYA AVENUE, THIRUVANMIYUR,
CHENNAI-600 041

..RESPONDENTS 3 TO 15

Original Petition praying that this Hon'ble Court be pleased to allow the
petitioner to prove the Will of Late S.Seethalakshmi (Deceased) dated
22.01.1988 in common form and that probate thereof to have effect

throughout the State of Tamilnadu may be granted to her.

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, 1925 read with Order XXV, Rule 4 of O.S. Rules, for the grant of Probate in respect of the last Will and Testament of the deceased S.Seethalakshmi.

2. The case of the petitioner is that the deceased Testatrix S.Seethalakshmi is the mother-in-law of the petitioner and the respondents 1 and 2 are the grand daughters of the Testatrix and beneficiaries of the Will. Respondents 3 to 5 are the wife and children of the first son of the Testatrix. R6 is the second son of the Testatrix. Respondents 7 and 8 are the daughters of the third son of the Testatrix. Respondents 9 to 15 are the children of the Testatrix.

(i). The said S.Seethalakshmi died on 21.06.2005. The deceased executed her last Will and Testament dated 22.01.1988. The petitioner submits that after the demise of the Testatrix on 21.06.2005, the original Will remained untraced for many years and only in the year 2018 when the family members had discovered the same among the old papers and records of the Testatrix's husband Late V.Sankaran, the petitioner who is named as

initiate Probate proceedings before this Hon'ble Court. Hence, there is a delay in filing the present petition seeking Probate of the Will of the Testatrix and the same is neither wilful nor wanton but due to the bonafide reasons mentioned above.

(ii). The petitioner is the executor named in the Will. The petitioner and the respondents are the surviving class II legal heirs of the deceased. The amount of assets which is likely to come into the petitioner's hands does not exceed in the aggregate sum of Rs.90,00,000/- and the net amount of the said asset which is now bequeathed to the 1st and 2nd respondents. The petitioner undertakes to duly administer the property and credits of the deceased S.Seethalakshmi and in any way concerning the Will by paying first her debts and then the legacies therein bequeathed so far as the assets will extend and to make a full and true inventory thereof to the Court within six months from the date of grant of Probate to the petitioner and also to render to this Court a true account of the said property and credits within one year from the said date.

3. The petitioner examined himself as P.W.1 and he had narrated the averments made in the petition stating that the petitioner have filed this petition for the grant of probate in his favour in respect of the Last Will and Testament executed by the testatrix on 22.01.1988. Ex.P.1 is the original

Mrs.S.Seethalakshmi, which has been attested by three attesting witnesses namely 1.Mr.Ramani, 2. Shyamala Srinivasan and 3.S.Shantha. Ex.P.2 is the photocopy of the sale deed dated 24.10.1979 filed to show that the property belonged to the deceased Seethalakshmi. Ex.P11 is the computer generated copy of the death certificate of S.Seethalakshmi, who died on 21.06.2005. Ex.P13 is the computer generated copy of the Legal Heirship Certificate dated 08.03.2020 in respect of S.Seethalakshmi. Legal heir certificate of the other respondents are also filed. Ex.P14 is the affidavit of assets showing the net value of the estate of the deceased as Rs.90,00,000/-.

4. One of the attestors of the Will dated 22.01.1988 viz., S.Shantha was examined as D.W.1. In her evidence, she has stated that the testatrix executed her last Will and Testament on 22.01.1988 in her presence and in the presence of her brother Mr.S.Ramani and her sister Mrs.Shyamala Srinivasan who attested the Will (Ex.P1) as the first and second attesting witnesses respectively and she has signed as third attesting witness. At the time of executing the Will by the testatrix, D.W.1 subscribed her signature at the foot of every page of Ex.P1 Will. While executing the Will, the testatrix was in a sound and disposing state of mind and in her presence the attesting witnesses subscribed their signature in the Will. Ex.R.1 is the affidavit filed by D.W.1 in this regard. The evidence of R.W.1 not only to

prove the execution but also attestation of the Will and there is no other materials to suspect the Will. R.W.1 has not only spoken about her attestation in the Will, but also deposed on behalf of all other respondents. Ex.R.2 to Ex.R.16 are the consent affidavits filed by the respondents R2 to R.16

5. In view of the above facts, I am of the view that the petitioner has proved the execution and attestation of the Will. Hence, the petitioner is entitled for the issuance of probate in favour of the petitioner.

6. The Original Petition is ordered. Grant probate of the Will in respect of the petitioner.

Sd/.N.S.K.J.
15.10.2020

//Certified to be a true copy//
Dated this the day of 2020.

SU/10.11.2020

COURT OFFICER(O.S.)

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

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