

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.04.2021

CORAM

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

T.O.S.No.1 of 2012

M.Rajab MohideenPlaintiff

.Vs.

1.K.Kamala Perumal

2.A.Krishnammal @ A.Krishnaveni (deceased)

3.L.Thangarajkumar

4.L.Dilipkumar

5.L.Ashok Kumar

6.Vimala

7.A.Chandrasekaran

8.K.Vijayanthi

9.A.Kalavathy

... Defendants

Plaint filed under Order XXV Rule 4 of Original Side Rules read with Sections 222 and 276 of Indian Succession Act XXXIX of 1925 praying that he may be permitted to prove the WILL in common form and that Probate thereof, to have the effect throughout the State of Tamil Nadu may be granted to him.

For Plaintiff : Mr.A.Siddique Ali

For Defendants : Mr.Asif Ali for D3
Mr.V.Ramesh Kumar for D7 to D9

J U D G M E N T

It is seen from the records that O.P.No.436 of 2004 was allowed on 06.12.2004 granting Probate in favour of the plaintiff Mr.Rajab Mohideen for the last Will and Testament of Tmt.P.Yashodha dated 05.03.2002.

2. The original respondent had appeared before this Court and had expressed his no objection for Probate in favour of the petitioner, based on which the order dated 06.12.2004 came to be passed. However, subsequently one A.Krishnammal @ A.Krishnaveni, the 2nd respondent in the Original Petition filed an application in A.No.1945 of 2006 seeking revocation of the Probate. Though, the same was dismissed by this Court on appeal in O.S.A.No.32 of 2010, A Division Bench of this Court revoked the Probate on 05.04.2011. Therefore, the Original

Petition was converted into Testamentary Original Suit and numbered as T.O.S.No.1 of 2012. In the mean time, the applicant in the application for revocation A.Krishnammal @ A.Krishnaveni, died on 08.07.2007 and the defendants 7, 8 and 9 were impleaded as her legal representatives. Thus, the defendants 7, 8 and 9 have filed affidavits submitting to a decree and expressing no objection for granting Probate in favour of the plaintiff.

3. Heard Mr.Siddiq Ali, learned counsel appearing for the plaintiff. and Mr.Ramesh Kumar, learned counsel appearing for the defendants 7, 8 and 9.

4. The affidavits filed by the defendants are accepted and the Testamentary Original Suit is decreed as prayed for without costs.

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R.SUBRAMANIAN, J.

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List of the witnesses examined on the side of the plaintiff: Nil

List of Exhibits marked on the side of the plaintiff: Nil

List of the witnesses examined on the side of the defendants: Nil

List of Exhibits marked on the side of the defendants: Nil

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Index : No

Internet : Yes

Non-speaking order



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