

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

WEDNESDAY, THE 10TH DAY OF FEBRUARY 2021

THE HON'BLE MR. JUSTICE R.PONGIAPPAN

O.P.No.477 of 2020

In the matter of Indian
Succession Act XXXIX of 1925
and
In the matter of the Last Will
and Testament of
K.B.Veeraraghavalu (Deceased)

V.DILIP KUMAR
S/o.Late K.B.Veeraraghavalu,
7/6, Kuravan Kulam Street,
Choolai, Chennai-600 112

..Petitioner

-Vs-

1. V.PREMA
W/o.Late K.B.Veeraraghavalu,
7/6, Kuravan Kulam Street,
Choolai, Chennai-600 112

2. H.SHARMILA
W/o.K.C.Haribabu,
33/15, Avadhanam Pappier Street,
Choolai, Chennai-600 112

3. V.PADMAJA
W/o.Benjamin Ebinezer,
721, 4th Street, D Sector,
Anna Nagar West Extension,
Chennai-600 101

..Respondents

Original Petition praying that this Hon'ble Court be pleased to allow this petitioner to prove the Will of Late K.B.Veeraraghavalu also called as K.B.Veeraraghavalu Naidu, dated 6.07.2015, in common form and that Probate thereof to have effect 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:

This petition has been filed under Sections 222 and 276 of the Indian Succession Act XXXIX, 1925, for the grant of Probate in respect of the last Will and Testament of the deceased K.B.Veeraraghavalu also called as K.B.Veeraraghavalu Naidu.

2. The case of the petitioner is that the petitioner is the executor of the last Will and Testament executed by the deceased Veeraraghavalu also called as K.B.Veeraraghavalu Naidu on 06.07.2015. The first respondent is the wife, the second and third respondents are daughters of the deceased Veeraraghavalu also called as K.B.Veeraraghavalu Naidu. The said deceased Veeraraghavalu also called as K.B.Veeraraghavalu Naidu died on 24.05.2019. The deceased Veeraraghavalu also called as K.B.Veeraraghavalu Naidu bequeathed his properties in favour his son, two daughters and his wife. The amount of assets which is likely to come into

the petitioner's hands does not exceed in the aggregate sum of Rs.2,13,99,320/- and the net amount of the assets, after deducting all items which the petitioner is by law allowed to deduct is of the value of Rs.2,13,99,320/-. The petitioner undertakes to duly administer the property and credits of the deceased Veeraraghavalu also called as K.B.Veeraraghavalu Naidu and in any way concerning the Will by paying first his 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 has filed this petition for the grant of probate in his favour in respect of the Last Will and Testament executed by the testator on 06.07.2015. Ex.P.1 is the original Koor Chit dated 03.06.1999. Ex.P.2 is the original Will executed by the deceased Veeraraghavalu also called as K.B.Veeraraghavalu Naidu. The deceased has executed the Will on 06.07.2015. Ex.P.3 is the copy of the death certificate of the deceased Veeraraghavalu also called as K.B.Veeraraghavalu Naidu. Ex.P.4 is the legal heirship certificate of the

deceased. Ex.P.5 to Ex.P.9 have been filed to show the assets of the deceased Veeraraghavalu also called as K.B.Veeraraghavalu Naidu. Ex.P.10 is the affidavit of assets showing the net value of the estate of the deceased as Rs.2,13,99,320/-.

4. One of the attester of the Will dated 06.07.2015 viz., P.S.Parthiban was examined as P.W.2. In his evidence, P.W.2 has stated that the testator executed his last Will and Testament on 06.07.2015 in his presence and in the presence of one R.Thillaivillalan. At the request of the testator, P.W.2 subscribed his signature as second attesting witness along with R.Thillaivillalan, who attested the Will as the first attesting witness in the presence of the testator. While executing the Will, the testator was in a sound and disposing state of mind and in his presence the attesting witnesses subscribed their signature in the Will. Ex.P11 is the affidavit filed by P.W.2 in this regard. The evidence of P.W.2 not only prove execution but also attestation of the Will and there is no other materials to suspect the Will.

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 his favour.

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

Sd/.R.P.A.J.
10.02.2021

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

SU/25.02.2021

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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