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

FRIDAY, THE 01ST DAY OF OCTOBER 2021

THE HON'BLE MR. JUSTICE V.PARTHIBAN

O.P.No.425 of 2021

In the matter of Indian Succession Act  
XXXIX of 1925  
and  
In the matter of the Last Will and  
Testament of Mrs.K.Bhagavathi  
Ammal -deceased.

Mr.V.SHANKAR  
S/o.Late V.Veeramani Iyer,  
14-A, Kalpataru Habitat,  
Dr.S.S.Rao Road, Near Gandhi Hospital Parel East,  
Mumbai, Maharashtra-400 012 ..Petitioner

-Vs-

1. Mrs.BHAGAVATHI VIJAYALAKSHMI IYER  
D/o.Late V.Veeramani Iyer,  
C27/102, Cosmo City, No.41,  
Dr.Abdulkalam Road, Pudupakkam,  
Kancheepuram, Tamil Nadu-603 103

2.Mrs.P.SITA SIVAKUMAR  
W/o.Late V.Siva Kumar,  
Bhagavathi Sadan,  
53, Alwar Thirunagar Annexe,  
Valasaravakkam,  
Chennai, Tamil Nadu-600 087



3.Mr.RANJIT KUMAR SIVAKUMAR  
S/o.Late V.Siva Kumar,  
3601, 177th P1 SE, Bothell,  
Washington-98012, USA

4.Mr. V.DHARMARAJ  
S/o.Late V.Veeramani Iyer,  
9503 Blue Heron Dr, Middleton,  
Wisconsin 53562, USA

5.Mrs. R.JANAKI  
W/o.Late Mr.V.V.Vijeyakumar,  
High Land Villa Sasthriji Nagar,  
Kunnamkulam Kanipayyur (Post),  
Thrissur, Kerala-680 517

6.Mrs. JAYANTHI VIJAYAKUMAR  
D/o.Late Mr.V.V.Vijeyakumar,  
14949 Linner Circle, Wayzata,  
Minnesota 55391, USA

..Respondents

Original Petition praying that this Hon'ble Court be pleased to allow him to prove the Will in common form and that Probate thereof to have effect throughout the state of Tamil Nadu 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, 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 K.Bhagavathi Ammal.



2.In the petition, it is stated that the deceased K.Bhagavathi Ammal died on 13.03.2017 at Bhagavathi Sadan, No.53, Alwar Thirunagar Annexe, Valasaravakkam, Chennai. The deceased was ordinarily residing at the said address. The deceased executed a Will dated 09.06.2005, registered as Document No.51 of 2005 in the office of the Sub Registrar, Virugambakkam, Chennai. The Testatrix appointed the petitioner as the executrix of the Will. The petitioner and the respondents are the legal heirs of the deceased Testatrix. Petitioner is the son of the deceased. The 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> respondents are the beneficiaries under the Will. The 6<sup>th</sup> respondent is the grand daughter of the deceased Testatrix. The parents of the deceased also predeceased her. The amount of assets which is likely to come to the petitioner's hands does not exceed in the aggregate sum of Rs.1,30,00,000/- and the net amount of the said assets after deducting all the items, which the petitioner is by law allowed to deduct is only of the value of Rs.1,30,00,000/-. The petitioner has impleaded all the next kin of the deceased and other persons interested as respondents and there is no next kin or other persons interested to be impleaded. The petitioner has also obtained the consent affidavits of the respondents. The petitioner undertakes to duly administer the property and credits of the deceased K.Bhagavathi Ammal 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. No application has been filed in any other Court for the Probate of the Will of the said deceased or Letters of Administration with or without the Will annexed to her property.

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 testatrix on 09.06.2005. Ex.P1 is the original registered Will dated 09.06.2005 executed by Mrs.K.Bhagavathi Ammal. Ex.P2 is the computer generated death certificate of K.Bhagavathi Ammal, who died on 13.03.2017. Ex.P3 is the computer generated Legal Heirship Certificate dated 17.12.2019. Ex.P4 is the computer generated Property Tax receipt dated 25.04.2019 standing in the name of Bhagavathiammal in respect of the property mentioned in Item No.I of the petition property. Ex.P5 is the computer generated Property Tax receipt dated 25.04.2019 standing in the name of Bhagavathiammal in respect of the property mentioned in Item No.II of the petition property. Ex.P6 is the photocopy of the Sale Deed dated 11.09.1970 in favour of Mrs.Krishnambal Bhagavathi



Ammal. Ex.P7 is the photocopy of the death certificate of V.V.Iyer, who died on 31.07.2003. Ex.P8 is the computer generated Legal Heirship Certificate dated 11.01.2021 in respect of Mr.Sivakumar Veeramani. Ex.P9 is the photocopy of the Legal Heirship certificate dated 29.01.2019 in respect of Dr.R.Janaki. Ex.P10 is the affidavit of assets showing the net value of the estate as Rs.1,30,00,000/-. Ex.P11 is the consent affidavit given by the 1<sup>st</sup> respondent. Ex.P12 is the consent affidavit given by the 2<sup>nd</sup> respondent. Ex.P13 is the consent affidavit given by the 3<sup>rd</sup> respondent. Ex.P14 is the consent affidavit given by the 4<sup>th</sup> respondent. Ex.P15 is the consent affidavit given by the 5<sup>th</sup> respondent. Ex.P16 is the consent affidavit given by the 6<sup>th</sup> respondent.

4.One Mr.S.Varadan, examined himself as PW.2 and stated that the deceased is his sister-in-law's mother-in-law and has seen the deceased subscribing her signature on the Will dated 09.06.2005. He has filed an affidavit to that effect. Ex.P-17 is his affidavit.

5.From the averments made in the petition and the deposition of P.W.1 supported by documents Exs.P1 to P16, it is clear that the petitioner has proved his claim and there is no contra evidence. Hence, I am satisfied



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

Sd/.V.P.N.J.  
01.10.2021

//Certified to be a true copy//

Dated this the                      day of                      2021.

su.12.10.2021

COURT OFFICER(O.S.)

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