



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

WEDNESDAY, THE 17TH DAY OF NOVEMBER 2021

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

O.P.No.552 of 2021

In the matter of the
Indian Succession Act
XXXIX of 1925
and
In the matter of the
Last Will and Testament of
Mrs.G.Alamelu -Deceased

G.V.MURALIDHAR
No.3 (Old No.71/2), 5th Street,
Block - A, Anna Nagar East,
Chennai - 600 102.

..Petitioner

-Vs-

G.M.PRAVEEN KUMAR
S/o.Shri G.V.Muralidhar,
No.3 (Old No.71/2), 5th Street,
Block - A, Anna Nagar East,
Chennai - 600 102.

..Respondent

Original Petition praying that this Hon'ble Court be pleased that this
Honourable Court may be pleased to allow the Petitioner to prove the Last
Will and Testament dated 16.08.2007 of the Testatrix, Late G.Alamelu, in
common form, and that Probate thereof to have effect throughout the whole



of State of Tamil Nadu may be granted to him.

WEB COPY

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

This petition has been filed for Probate.

2.The petitioner is the adopted son of the Testatrix G. Alamelu also known as Gelli Alamelamma. The petitioner was duly adopted by the Testatrix on 11.02.1955 and the said adoption was also duly registered on 14.02.1955 in the Office of the Registrar, Ananthapur, Andhra Pradesh in Document No.8 of 1955. The respondent is the son of the petitioner. The Testatrix G. Alamelu also known as Gelli Alamelamma executed a Will dated 16.08.2007. Under the said Will, the petitioner was appointed as executor and the respondent who is the only son of the petitioner was the beneficiary. The Testatrix G. Alamelu died on 06.07.2014 at Chennai.

3. Before the learned Master, the petitioner/ executor under the Will was examined as PW1 and the following documents were marked as Exhibits.

<i>Exhibits</i>	<i>Nature of the documents</i>
P1	Deed of adoption dated 14.02.1955 to prove that the petitioner is the adopted son of the Testatrix, G.Alamelu.
P2	Death certificate of G.Alamelu confirming that she died on 06.07.2014.



<i>Exhibits</i>	<i>Nature of the documents</i>
P3	Original Will dated 16.08.2007 executed by G.Alamelu Ammal which has been attested by two attesting witnesses viz., the petitioner herein and his wife, G.M.Saroja.
P4	Print out of the Screenshot from TNEDA website, rejecting the petitioner's application seeking for issuance of Legal Heirship certificate for the deceased G.Alamelu Ammal on the ground that since he is a Class- II legal heir, he is not entitled to.
P5	Copy of the circular dated 09.08.2017 in Circular No.11 of 2017 issued by the Principal Secretary / Commissioner of Revenue Administration, Govt. of TamilNadu confirming that legal heirship certificate for Class II Legal Heirs cannot be granted.
P6	Copy of the sale deed dated 01.07.1983 standing in the name of the deceased G.Alamelu
P7	Affidavit of assets showing the net value of the estate of the deceased Rs.64,24,000/-
P8	Consent Affidavit given by the respondent stating that no objection for grant of Probate in favour of the petitioner.

4. PW1 has in his deposition reiterated the contents of the petition filed in support of OP No.552 of 2021. One of the attesting witnesses to the Will dated 16.08.2007 by name G.M.Saroja was examined as PW2 before the learned Master. In her deposition she has deposed that the Testatrix G.Alamelu is her Mother-in-law and the signature found in the Will is that of her Mother-in-Law. She has also deposed that the Will was registered in the office of the Sub-Registrar, Anna Nagar. She has also deposed that the petitioner being her husband and herself are the two attesting witnesses to the subject will. She has also deposed that the Testatrix signed the Will in her presence as well as in the presence of her husband viz., the petitioner. She has also deposed that when her husband



(petitioner) signed the Will as the attesting witness she was also present.

She has also deposed that the husband is the executor under the Will. She has also deposed that the Testatrix G.Alamelu executed the Will in a sound state of mind and she has signed the Will in Telugu.

5. The respondent has also given consent affidavit stating 'no objection' for granting Probate in favour of the petitioner and the consent affidavit has been marked as Ex.P-8 before the learned Master.

6. As seen from the evidence available on record, it is clear that the petitioner is the executor under the Will dated 16.08.2007 executed by the Testatrix G.Alamelu also known as Gelli Alamelamma and he has also signed the Will as an attesting witness in the presence of the Testatrix. It is also evident that the petitioner is the adopted son of the Testatrix, as seen from the deed of adoption dated 14.02.1955 marked as Ex.P1.

7. In the petition filed in support of OP No.552 of 2021, the petitioner has given reasons in Paragraph 5 of the petition for non production of the Legal Heirship certificate for the Testatrix G.Alamelu. In the said paragraph it has been stated that Circular dated 09.08.2017 in Circular



Revenue Administration, Govt. of TamilNadu which has been marked as Ex.P5, prohibits the Revenue Administration Department to issue Legal Heirship Certificate to an adopted son.

8. This Court is satisfied with the reasons for non production of the Legal Heirship Certificate for the Testatrix G. Alamelu as the evidence available on record will clearly prove that the petitioner is the only son of the Testatrix. The petitioner has proved the Will and is entitled for grant of Probate to the Will dated 16.08.2007 executed by Testatrix G. Alamelu.

9. From the evidence available on record, this Court is of the considered view that the petitioner is entitled for grant of probate of the Will dated 16.08.2007 executed by G. Alamelu also known as Gelli Alamelamma, as prayed for in OP No. 552 of 2021.

10. Accordingly, Registry is directed to grant “Probate” in respect of the said Will in favour of the petitioner. As undertaken by the petitioner in the petition, the petitioner shall duly administer the property (ies) and credits of the deceased G. Alamelu in any way concerning her Will by paying first her debts and the legacies therein bequeathed so far as the assets will extend and to make full and true inventory thereof and exhibit the same



before this Court within six months from the date of issuance of Probate by the Registry of this Court and also to render before this Court a true and proper account of the said property(ies) and credits within one year from the date of issuance of Probate by the Registry of this Court.

Sd/.A.Q.J.
17.11.2021

//Certified to be a true copy//

Dated this the day of 2021.

SU/01.12.2021

COURT OFFICER(O.S.)

From 25.09.2008 the Registry is issuing certified copies of the Orders/Judgments/Decree in this format.