



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

FRIDAY, THE 29TH DAY OF OCTOBER 2021

THE HON'BLE MR.JUSTICE R.SUBRAMANIAN

T.O.S.No. 6 of 2016

In the matter of Indian Succession
Act XXXIX of 1925, and

In the matter of the Last Will and
Testament of M.K.Subramanian
(Deceased).

Mr.S.Chandrasekaran,
Ground Floor, No.14/2, Ganapathy Colony,
Teynampet, Chennai – 600 018.

... Petitioner/Plaintiff

Vs.

Mrs.Suseela Jayaraman,
G2-14, Sixth Cross Street,
Sastri Nagar, Adyar,
Chennai – 600 020.

... Caveator/Defendant

Testamentary Original Suit praying that this Hon'ble Court be pleased
to prove the Will in common form and that PROBATE thereof to have
effect limited to the State of Tamil Nadu may be granted to him.

This Testamentary Original Suit coming on this day before this court

for hearing in the presence of Mr.M.S. Subramanian, Advocate for the
plaintiff herein and Mr.J.Radhakrishnan, Advocate for the defendant herein



and the other exhibits therein referred to and upon perusing the evidence adduced therein and this court having observed that the execution of the Will by late M.K.Subramanian, stands proved and the statutory requirements of section 68 of the Evidence Act have been satisfied, **it is ordered and decreed as follows :-**

That the plaintiff herein, on complying with the rules of this court in this behalf, probate of the Last Will and Testament of the said M.K.Subramanian (deceased) dated 18.03.1999 with a copy of the said Will annexed thereto to have effect through out the state of Tamil Nadu do issue herein, out of and under the seal of this court and the same be granted to S.Chandrasekaran, the plaintiff herein.

2. That there shall be no costs of this suit.

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE
CHIEF JUSTICE HIGH COURT AT MADRAS AFORESAID, THIS THE
29TH DAY OF OCTOBER 2021.

Sd/-

JOINT REGISTRAR (O.S.)

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.



T.E.

WEB COPY 03.12.2021

3

T.O.S.No. 6 of 2016

ORDER :-

DATED :29.10.2021

THE HON'BLE MR. JUSTICE
R. SUBRAMANIAN

FOR APPROVAL: 27/12/2021

APPROVED ON : 28/12/2021



WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.10.2021

CORAM

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

T.O.S. No.6 of 2016

S.Chandrasekaran

... Plaintiff

Vs.

Suseela Jayaraman

... Defendant

Prayer : Complaint filed under Sections 222 and 276 of the Indian Succession Act XXXIX of 1925 for the grant of Probate.

For Plaintiff : Mr.M.S.Subramanian

For Defendant : Mr.J.Radhakrishnan

J U D G M E N T

The plaintiff seeks probate for the Will dated 18.03.1999 executed by his father Late Thiru.M.K.Subramanian.



2. According to the plaintiff, the father executed the Will in sound disposing state of mind and the same was attested by two attesting witnesses Captain V.Ramasamy and N.Venugopal Reddy. The deceased had left behind three sons and two daughters, his wife predeceased him. In the original petition all the legal heirs of the deceased were impleaded as parties, including the heirs of the son Jayaraman, who died after the testator, but before the filing of the Original Petition for grant of probate.

3. Only one of the respondents namely the wife of Jayaraman, filed a caveat opposing the grant, while the first respondent S.Kannan filed a consent affidavit, the respondents 2, 3 and 5 did not chose to appear. Even the fourth respondent who filed a caveat did not file a written statement opposing the grant. She was set *exparte* and *exparte* evidence was taken.

4. Before the learned Master, the plaintiff was examined as P.W.1 and the first respondent in the Original Petition S.Kannan was examined as P.W.2, Mrs.Rajalakshmi, wife of Captain V.Ramasamy, one of the attesting witnesses, was examined as P.W.3 and one V.Ashok, son of the other attesting witness Venu Gopal Reddy, was examined as P.W.4. P.W.3 and P.W.4 have identified the signatures of the attesting witnesses in the Will.

P.W.2, S.Kannan has identified the signature of the testator in the Will.



WEB COPY

5. In the absence of contra evidence, I find that the execution of the Will by late M.K.Subramanian, stands proved and the statutory requirements of Section 68 of the Evidence Act have been satisfied. Hence, the suit is decreed as prayed for, granting probate for the Will dated 18.03.1999. No costs.

List of the Witnesses examined on the side of the Plaintiff :

- | | |
|----------|----------------------|
| 1. P.W.1 | Mr. S.Chandrasekaran |
| 2. P.W.2 | Mr. S.Kannan |
| 3. P.W.3 | Mrs.Rajalakshmi |
| 4. P.W.4 | Mr. V.Ashok |

List of Exhibits marked on the side of the Plaintiff :

<i>Sl.No.</i>	<i>Exhibits</i>	<i>Description of documents</i>
1	Ex.P1	The Original Will dated 18.03.1999 executed by Mr.M.K.Subramanian
2	Ex.P2	The Computer generated death certificate of Mr.M.K.Subramanian dated 04.06.1999
3	Ex.P3	The Computer generated death certificate of Sengammal dated 08.07.1981
4	Ex.P4	The Computer generated death certificate of S.Jayaraman dated 18.04.2007
5	Ex.P5	The photocopy of the death certificate of Captain V.Ramasamy (attesting witness) dated 08.01.2015
6	Ex.P6	The Computer generated death certificate of No.Venugopal Reddy (attesting witness) dated 03.01.2017
7	Ex.P7	The photocopy of the Bank Pass book in respect of



<i>Sl.No.</i>	<i>Exhibits</i>	<i>Description of documents</i>
		savings bank account No.SB/01/002181 maintained by M.K.Subramaian with Union Bank of India.
8	Ex.P8	The affidavit of assets showing the net value of the assets as Rs.63,96,042/-
9	Ex.P9	The consent affidavit filed by Mr.S.Kannan

List of the Witnesses examined on the side of the Defendant: Nil

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

Sd./- R.S.M.J.,

29/10/2021

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.