



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

WEDNESDAY, THE 07TH DAY OF JULY 2021

THE HON'BLE MR. JUSTICE V.PARTHIBAN

O.P.No. 612 of 2020

In the matter of the Indian Succession
Act, 1925 (Act XXXIX of 1925)

and

In the matter of the Last Will and
Testament of Saroja V.Guruswamy
(Deceased) (died on 06.09.2020)

Renuka K.Narasimhan
No.3/1C, "Sri Devikrupa",
Krishnasamy Avenue,
Mylapore, Chennai - 600 004.

... Petitioner

-vs-

1. Manoranjitham Bhakthavatsalam,
No.137, Walajah Road, Chennai - 600 002.

2. Curzonco Seshachalam Chimata Foundation
Represented by its Trustees
No.137, Walajah Road, Chennai - 600 002.

3. C.Renuka Devi
Flat No.11, "Vaishali"
No.17, Dr.Nair Road
T.Nagar, Chennai - 600 017.

..Respondents

Original Petition praying that this Hon'ble Court be pleased to prove the



of Tamil Nadu may be granted to her.

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 under Sections 222, 255 and 276 of the Indian Succession Act, 1925 read with Order XXV, Rule 5 of O.S. Rules, 1956 for the grant of Probate in respect of the last Will and Testament of the deceased Saroja V.Guruswamy.

2.In the petition, it is stated that the deceased Saroja V. Guruswamy died on 06.09.2020 at Apollo Hospitals, 21, Greams Lane, Chennai – 600 006. The deceased was ordinarily residing at the Curzons Building, No.122, Wallajah Road, Chennai – 600 002. The deceased executed a Will dated 05.06.2019. The petitioner is the Executor appointed under the Will. The deceased had no issues and the husband of the deceased predeceased her. The parents as well as one of the sisters predeceased her. The first respondent/sister of the deceased is the legal heir of the deceased. The second and third respondents are the legatees under the Will. The amount of assets which is likely to come to the petitioner's hands does not exceed in the aggregate sum of Rs.24,91,53,011.68p and the net amount of the said assets after deducting all the items, which the petitioner is by law allowed to

deduct is only to the value of Rs.24,91,53,011.68p. 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 consent affidavit from the third respondent. The petitioner undertakes to duly administer the property and credits of the deceased Saroja V.Guruswamy 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 herself as P.W.1 and she had narrated the averments made in the petition stating that the petitioner has filed this petition for the grant of probate in her favour in respect of the Last Will and Testament executed by the testatrix on 05.06.2019. Ex.P1 is the original Will dated 05.06.2019. Ex.P2 is the copy of the Death Certificate of Saroja Gurusamy dated 30.09.2020. Ex.P.3 is the Consent Affidavit of C.Renuka Devi/third respondent. Ex.P.4 is the affidavit of assets. .



4. One of the attestors of the Will dated 05.06.2019 viz., B.Sundari was examined as P.W.2. In her evidence, P.W.2 has stated that the testatrix executed her last Will and Testament on 05.06.2019 in her presence and in the presence of one G.S.Komal. At the request of the testatrix, P.W.2 subscribed her signature as first attesting witness along with G.S.Komal, who attested the Will as the second attesting witness in the presence of the testatrix. While executing the Will, the testatrix was in a sound and disposing state of mind, memory and understanding. Ex.P.5 is her affidavit in this regard.

5. From the averments made in the petition and the deposition of P.W.1 supported by documents Exs.P.1 to P.4, it is clear that the petitioner has proved her claim and there is no contra evidence. Hence, I am satisfied that the petitioner is entitled to the relief sought for.

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

Sd/.V.P.N.J.
07.07.2021

//Certified to be a true copy//
Dated this the day of 2021.

SU/22.07.2021 COURT OFFICER(O.S.)

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.