



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

FRIDAY, THE 08TH DAY OF OCTOBER 2021

THE HON'BLE MR. JUSTICE V.PARTHIBAN

O.P.No.731 of 2019

In the matter of the Indian
Succession Act, 1925
(Act XXXIX of 1925)
and
In the matter of the Last Will
and Testament of C.V.Sridharan
(deceased)

C.V. RAVI
AG2, KVM Subhamangala,
Subramaniyapuram Extension,
Srirangam, Tiruchirapalli-620006.

..Petitioner

-Vs-

1. C.V.MUKUNDAN
S/o.Venkatesan C.R.
67, 3rd Main Road,
Amar Jyothi Layout,
RT Nagar, Bangalore-560032

2. USHA GOPALARATHNAM
20/1, Sowbhagya Flats, II Street,
Parameswari Nagar, Adyar,
Chennai-600020

..Respondents

Original Petition 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 Tamilnadu 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 C.V.Sridharan.

2. The case of the petitioner is that C.V.Sridharan ordinarily resided at No.98, 5th Street, Padmanabha Nagar, Adyar, Chennai 600 020 and he died on 01.01.2017. The petitioner and the respondents are brothers and sister of the deceased and the petitioner is the executor under the Will dated 12.07.2016. The deceased owned 1/3rd share in the property bearing Door No.98, 5th Street, Sri Padmanabha Nagar, Adyar, Chennai 600 020, which was bequeathed to him by his paternal uncle late C.R.Srinivasan. The codicil through which he got the property was probated and letters of administration was granted by this Court on 24.02.2006 in O.P.No.784 of 2005. The deceased married one Mrs.Chandra and the said marriage was dissolved by a decree of divorce by this Court. There are no children out of the said wedlock. Therefore, the petitioner and the respondents are the class-II legal heirs of the deceased. The deceased C.V.Sridharan, at the time of his death, had left the property in the State of Tamil Nadu within the



jurisdiction of this Court.

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3. The deceased has bequeathed his property morefully described in the affidavit of assets to the petitioner. The petitioner has impleaded all the next of kin or other persons interested as parties/respondents. There is no next of kin or other person interested to be impleaded. The said Will was duly executed on 12.07.2016 in the presence of witnesses whose names appear at the foot thereof.

4. The amount of assets which is likely to come into the hands of the petitioner, does not exceed in aggregate the sum of Rs.38,61,433/- and the net amount of the said assets after deducting all items which the petitioner by law is allowed to take, is of the value of Rs.38,41,433/-.

5. The petitioner hereby undertakes to duly administer the properties and credits of the said deceased, in any way concerning his Will, by paying first his debts, if any and then the legacies therein bequeathed so far as the assets will extend and to make a full and true inventory thereof and exhibit the same in this 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.



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6. No application has been made to any District Court or delegate or to any other High Court for probate of any Will of the deceased or Letters of Administration with or without the Will annexed to the properties and credits.

7. The petitioner, who examined himself as P.W.1, reiterated the averments made in the petition and filed Exs.P-1 to P-8. Ex.P1 is the computer generated death certificate of C.R.Venkatesan, who died on 11.01.1995. Ex.P2 is the photocopy of the Judgment dated 21.02.2007 passed in C.M.A.NPD No.2178 of 2003 by this Court. Ex.P3 is the computer generated death certificate of V.Jayalakshmi, who died on 25.03.2009. Ex.P4 is the original unregistered Will dated 12.07.2016 executed by Mr.C.V.Sridharan, which has been attested by two attesting witnesses namely 1. Mr.Venkatesh Sarangan and 2. Mr.S.Ravi. Ex.P5 is the computer generated death certificate of C.V.Sridharan, who died on 01.01.2017. Ex.P6 is the affidavit of assets showing the net value of the estate as Rs.35,41,433/-. Ex.P7 is the consent affidavit given by the 1st respondent. Ex.P8 is the consent affidavit given by the 2nd respondent.

8. One of the attestors of the Will dated 12.07.2016 was examined as



P.W.2. In his evidence, P.W.2 has stated that he knew Mr.C.V.Sridharan as his neighbour. As such he was well acquainted with him. He executed his Will and Testament on 12.07.2016 in his presence and in the presence of his friend Mr.S.Ravi. At his request, he subscribed his signature as the first attesting witness along with Mr.S.Ravi, who attested the Will Ex.P4 as the second attesting witness in the presence of Mr.C.V.Sridharan. He saw him signing in all the pages of the Will Ex.P4. All of them signed in each other's presence. He was in a sound and disposing state of mind, memory and understanding at the time of execution of Ex.P4 Will. He filed his affidavit in this regard. Ex.P9 is his affidavit.

9. Another attester of the Will dated 12.07.2016 was examined as P.W.3. In his evidence, P.W.3 has stated that he knew Mr.C.V.Sridharan as his classmate. As such, he was well acquainted with him. He executed his Will and Testament on 12.07.2016 in his presence and in the presence of his friend Mr.Venkatesh Sarangan. At his request, he subscribed his signature as the second attesting witness along with Mr.Venkatesh Sarangan, who attested the Will Ex.P4 as the first attesting witness in the presence of Mr.C.V.Sridharan. He saw him signing in all the pages of the Will Ex.P4.

All of them signed in each other's presence. He was in a sound and disposing state of mind, memory and understanding at the time of execution



of Ex.P4 Will. He filed his affidavit in this regard. Ex.P10 is his affidavit.

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10. The evidence of P.W.2 and P.W.3 has not only to prove the execution but also attestation of the Will and there is no other materials to suspect the Will. The respondents have also filed their consent affidavits.

11. In view of the above facts, this Court is 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.

12. Accordingly, the Original Petition is ordered. Grant probate of the Will in respect of the petitioner.

Sd/.V.P.N.J.
08.10.2021

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

SU/02.11.2021

COURT OFFICER(O.S.)

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