

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**Dated:21.02.2022**

**Coram:**

**THE HON'BLE MR. JUSTICE P.VELMURUGAN**

**Original Petition No.595 of 2021**

Mr.N.Srinivasaraghavan  
S/o Late V.Narasimhan

.. Petitioner

**PRAYER**

Original Petition filed under Sections 222 and 276 of Indian Succession Act read with Order XXV Rule 4 of O.S. Rules, praying that petitioner may be allowed to prove the Will in common form and that probate thereof to have effect throughout the State of Tamil Nadu.

For petitioner : Mr.P.B.Sampath Kumar

**ORDER**

This petition has been filed by the petitioner seeking for probate of the Will dated 05.10.2016 executed by Mrs.G.Parvathy, who died on 17.08.2020

2. The petitioner is the family advocate/friend of the deceased

G.Parvathy. Under the Will dated 05.10.2016, one Mr.Murugan and Mrs.Gonsilal Mary were the attesting witnesses. Before the learned Master, the petitioner was examined as a witness (P.W-1) and one of the attesting witnesses, namely,Mrs.D.Gonsilal Mary was also examined as a witness (P.W-2).

3. Before the learned Master, the following documents were marked as Exhibits on the side of the petitioner.

| <u><i>Exhibits</i></u> | <u><i>Nature of the document</i></u>                                      |
|------------------------|---------------------------------------------------------------------------|
| Ex.P-1                 | Original registered Will and Testament dated 05.10.2016                   |
| Ex.P-2                 | Computer generated death certificate of G.Parvathy                        |
| Ex.P-3                 | Affidavit of assets showing the net value of the estate as Rs.30,00,000/- |
| Ex.P-4                 | Affidavit of attesting witness Mrs.D.Gonsilal Mary                        |

4. As seen from the evidence available on record, the Mrs.G.Parvathy who has appointed the petitioner as the executor of a Will dated 05.10.2016 One of the attesting witnesses, namely, Mrs.D.Gonsilal Mary has also been examined as witness (P.W-2) before the learned Master and she confirms the execution of the Will dated 05.10.2016 by Mrs.G.Parvathy.

5.After perusing and examining the pleadings and the evidence on record as well as after hearing the submissions of the learned counsel for the petitioner, this Court is inclined to grant probate as prayed for.

6.Accordingly, Registry is directed to grant "Probate" in respect of the said Will in favour of the petitioner. As undertaken by the petitioner in paragraph 7 of the petition, the petitioner shall duly administer the property and credits of the deceased Mrs. G.Parvathy 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 and credits within one year from the date of issuance of Probate by the Registry of this Court.

Sd/.P.V.J.  
21.02.2022

//Certified to be a true copy//

Dated at Madras this the                      day of                      2022  
SU./25.02.2022

COURT OFFICER(O.S.)

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