

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

TUESDAY, THE 11TH DAY OF JANUARY 2022

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

O.P.No.477 of 2021

In the matter of Indian
Succession Act, 1925
(Act XXXIX of 1925)
and
In the matter of Last Will and
Testament of Dr.K.Ravi – deceased

Mr.RAVOORI LAVANYA RAM,
S/o.Venkateswarlu,
No.23, V.G.Street,
Nungambakkam,
Chennai - 600 034.

..Petitioner

-Vs-

1. MRS.PREMA RAVI
W/o.Dr.K.Ravi
No.3, Ground Floor,
Tilak Towers, II Link Street,
CIT Colony,
Chennai - 600 004.

2.Mr.VIGNESH RAVI
S/o.Dr.K.Ravi,
No.3, Ground Floor,
Tilak Towers, II Link Street,
CIT Colony,
Chennai - 600 004.

3.Mr.PARMESH RAVI
S/o.Dr.K.Ravi,
No.3, Ground Floor,

Tilak Towers, II Link Street,
CIT Colony, Chennai - 600 004.

(The 3rd Respondent is now temporarily
studying at 237, Bloor Street,
Sudbury, P3C 2L1, Ontario,
Canada)

..Respondents

Original Petition praying that this Hon'ble Court be pleased to permit the petitioner 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 Original Petition coming on this day before this court for hearing the court made the following order:

This petition has been filed for grant of Probate. The petitioner is the Executor under the Will dated 11.02.2016 executed by Dr.K.Ravi, who died on 28.09.2020 leaving behind the aforementioned Will. Under the subject Will, the respondents are the beneficiaries.

2. Before the Learned Master, the petitioner was examined as a witness (P.W.1) and in his deposition he has reiterated the contents of the petition filed in support of O.P.No.477 of 2021. Through P.W.1, the following documents were marked as exhibits:-

<i>Exhibits</i>	<i>Nature of the documents</i>
Ex.P1	Photocopy of the Sale Deed dated 02.09.1991 executed in

<i>Exhibits</i>	<i>Nature of the documents</i>
	favour of K.Ravi, registered as Document No. 1652 of 1991, Sub Registrar's Office, Tirupporur.
Ex.P2	Photocopy of the Sale Deed dated 02.07.1993 executed in favour of K.Ravi, registered as Document No. 1014 of 1993 at Sub Registrar's Office, Tirupporur.
Ex.P3	Photocopy of the Sale Deed dated 11.01.1995 executed in favour of K.Ravi, registered as Document No. 233 of 1995 at Sub Registrar's Office, Tirupporur.
Ex.P4	Photocopy of the Sale Deed dated 05.07.1996 executed in favour of K.Ravi, registered as Document No. 1791 of 1996 at Sub Registrar's Office, Tirupporur.
Ex.P5	Photocopy of the Sale Deed dated 13.10.2005 executed in favour of K.Ravi, registered as Document No. 6855 of 2005 at Sub Registrar's Office, Tirupporur.
Ex.P6	Photocopy of the Sale Deed dated 13.10.2005 executed in favour of K.Ravi, registered as Document No. 6856 of 2005 at Sub Registrar's Office, Tirupporur.
Ex.P7	Photocopy of the Sale Deed dated 03.02.2010 executed in favour of K.Ravi, registered as Document No. 533 of 2010 at Sub Registrar's Office, Tirupporur.
Ex.P8	Photocopy of the Sale Deed dated 30.09.1992 executed in favour of K.Ravi, registered as Document No. 925 of 1992 at Sub Registrar's Office, Kodaikanal.
Ex.P9	Photocopy of the Release Deed dated 16.12.2002 executed in favour of K.Ravi, registered as Document No. 1089 of 2002 at Sub Registrar's Office, Kodaikanal.
Ex.P10	Photocopy of the Sale Deed dated 12.07.1996 executed in favour of K.Ravi, registered as Document No. 1713 of 1996 at Sub Registrar's Office, Mylapore.
Ex.P11	Photocopy of the Construction Agreement dated 02.09.1995.
Ex.P12	Photocopy of the Decree of Divorce dated 13.07.1995 in O.P.No.47 of 1995 passed by I Additional Family Court, Madras.
Ex.P13	Photocopy of the Marriage Invitation dated 27.08.2000 in respect of Priya.
Ex.P14	Original Will dated 11.02.2016 executed by Dr.K.Ravi.
Ex.P15	Computer generated death certificate of Dr.K.Ravi, who

<i>Exhibits</i>	<i>Nature of the documents</i>
	died on 28.09.2020.
Ex.P16	Computer generated Legal Heirship certificate dated 05.02.2021 in respect of K.Ravi.
Ex.P17	Series 2 Nos are the consent affidavits of second and first respondents stating that they have no objection in grant of Probate as prayed in the petition.
Ex.P18	Consent affidavit given by the third respondent stating that he has no objection in grant of Probate as prayed in the petition.
Ex.P19	Affidavit of assets showing net value of the estate as Rs.8,18,15,568/-.

3. Through P.W.2, the following document was marked.:-

Ex.P-20	Affidavit of P.W.2, Mr.Sundaramoorthy.
---------	--

4. There are two attesting witnesses in the subject Will viz., Mr.R.Sundaramoorthy and Mr.K.Kannan. The first attesting witness Mr.R.Sundaramoorthy was examined as a witness (P.W.2). He has deposed that he knows the Testator Dr.K.Ravi for the past 25 years and is well acquainted with him. He has also deposed that Ex.P14 Will dated 11.02.2016 was executed by Dr.K.Ravi only in his presence and in the presence of the second attesting witness Mr.K.Kannan. He has also identified the signature of the Testator Dr.K.Ravi. He has also deposed that only on the request made by the Testator Dr.K.Ravi, he subscribed his signature as the first attesting witness along with Mr.K.Kannan, who attested the Ex.P14 Will as the second attesting witness in the presence of Dr.K.Ravi. He has also deposed that he saw Dr.K.Ravi signing Ex.P14

Will. He has also deposed that the Testator Dr.K.Ravi was in a sound and disposing state of mind, memory and understanding at the time of execution of Ex.P14 Will.

5. P.W.2 has also deposed that he was also one of the identifying witnesses to Ex.P14 Will at the time of registration of Ex.P14 Will before Sub Registrar's Office, Thirupporur. In support of his deposition, he has also filed an affidavit, which has been marked as Ex.P20.

6. As seen from the evidence available on record, the Testator Dr.K.Ravi died on 28.09.2020, as seen from his death certificate which has been marked as Ex.P15 leaving behind a Will dated 11.02.2016 which has been marked as Ex.P14. As seen from the Legal Heirship certificate dated 05.02.2021 for the Testator Dr.K.Ravi, which has been marked as Ex.P16, the respondents are his only legal heirs.

7. The first respondent is his wife and the second and third respondent are his children. The petitioner is the brother in law of the deceased Dr.K.Ravi and he is the brother of the first respondent. The petitioner has been appointed as an Executor in the subject Will (Ex.P14). Consent affidavits have been given by all the three respondents for grant of

Probate in favour of the petitioner. The consent affidavits given by the first and second respondents have been marked as Ex.P17 and the consent affidavit given by the third respondent has been marked as Ex.P18.

8. The Testator Dr.K.Ravi had divorced his first wife, as seen from the Decree of Divorce dated 13.07.1995 passed by the I Additional Family Court, Madras in O.P.No. 47 of 1995, which has been marked as Ex.P12. The properties which are the subject matter of the Will have also been marked as exhibits viz., Ex.P1 to Ex.P.11 before the Learned Master.

9. After giving due consideration to the pleadings and evidence available on record, this Court is inclined to grant Probate as prayed for in favour of the petitioner.

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 paragraph 15 of the petition, the petitioner shall duly administer the property(ies) and credits of the deceased Testator Dr.K.Ravi in any way concerning his Will by paying first his 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.
11.01.2022

//Certified to be a true copy//

Dated at Madras this the day of 2022.

SU./24.01.2022

COURT OFFICER(O.S.)

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