

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 25.02.2022

Coram:

THE HON'BLE MR. JUSTICE P.VELMURUGAN

Original Petition No.687 of 2021

S.Sambu Prasad

.. Petitioner

Vs.

1. S.V.S.Aravind Prasad
2. Ramaa Prabhakar Arikirevula
3. Amulya Kamakshi

.. Respondents

Original Petition filed under Sections 222 and 276 of Indian Succession Act XXXIX of 1925 read with Under Order XXV Rule 4 of O.S. Rules, praying that petitioner may be permitted to prove the Will in common form and that probate thereof to have effect throughout the Union of India may be granted.

For petitioner : Mr.G.Kalyan Jhabakh for
M/s.Surana & Surana

For respondents: M/s.T.G.Niranjana

ORDER

This petition has been filed by the petitioner seeking for probate of the Will dated 30.07.2009 executed by S.Ramayamma, who died on 02.01.2021.

2 The petitioner is the deceased's brother's son, first respondent is deceased's another brother's son, second respondent is deceased's sister's daughter and third respondent is daughter of the second respondent. The petitioner was appointed as sole executor of the will and under the will dated 30.07.2009, the petitioner and the respondents are beneficiaries. Before the learned Master, the petitioner was examined as a witness (P.W-1) and one of the attesting witnesses, namely, G.Narayana Kamal 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.

<i>Exhibits</i>	<i>Nature of the document</i>
Ex.P-1	Will dated 30.07.2009 executed by S.Ramayamma (deceased)
Ex.P-2	Computer generated death certificate of S.Ramayamma
Ex.P-3	Print out copy of the Property Tax payment statement
Ex.P-4 (series)	Photocopies of the tax receipts
Ex.P-5	Photocopies of the Fixed Deposit receipts standing in the name

<i>Exhibits</i>	<i>Nature of the document</i>
(series 6 nos.)	of S.Ramayamma
Ex.P-6	Photocopy of the letter dated Nil, sent by Canara Bank, Hyderabad Banjara Hills Branch to S.Ramayamma
Ex.P-7	Photocopy of the letter dated 09.09.2021 sent by Canara Bank, Hyderabad Banjara Hills Branch to S.Ramayamma
Ex.P-8 (series 2 nos.)	Photocopies of Bank Passbooks standing in the name of S.Ramayamma
Ex.P-9	Photocopy of the Post office savings bank passbooks standing in the name of S.Ramayamma
Ex.P-10	Photocopy of the Life Insurance Policy certificate standing in the name of S.Ramayamma
Ex.P-11	Computer generated statement of holdings dated 09.02.2021
Ex.P-12	Consent affidavit filed by 1 st respondent
Ex.P-13	Consent affidavit filed by 2 nd respondent
Ex.P-14	Consent affidavit filed by 3 rd respondent
Ex.P-15	Affidavit of attesting witness (P.W.2)

4 As seen from the evidence available on record, the petitioner and the respondents are the only legal heirs of the deceased S.Ramayamma, who has executed a Will dated 30.07.2009 in favour of the petitioner and the respondents. The respondents have also given consent affidavit stating 'no objection' for granting Probate of the will dated 30.07.2009 and the consent affidavits have been marked as Ex.P-12 to Ex.P-14 before the learned Master. One of the attesting witnesses, namely, G.Narayana Kamal has also been examined as witness (P.W-2) before the learned Master and he confirms the execution of the Will dated 30.07.2009 by S.Ramayamma and his affidavit has also been marked as Ex.P-15. Hence, the will is proved in the manner known to law.

6 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.

7 Accordingly, Registry is directed to grant "Probate" in respect of the said Will. As undertaken by the petitioner in paragraph 15 of the petition, the petitioner shall duly administer the property(ies) and credits of the deceased S.Ramayamma 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(ies) and credits within one year from the date of issuance of Probate by the Registry of this Court.

Sd/.P.V.J.
25.02.2022

//Certified to be a true copy//
Dated at Madras this the day of 2022.
SU/03.03.2022

COURT OFFICER(O.S.)

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