

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

MONDAY, THE 06TH DAY OF JUNE 2022

THE HON'BLE MR. JUSTICE KRISHNAN RAMASAMY

O.P.No.701 of 2021

In the matter of Indian Succession
Act, XXXIX of 1925
and
In the matter of the Last Will and
Testament dated 08.12.2014
of Mr.A.S.Rao -deceased

1. Mr.S.Prasanna Rao,
S/o.Late A.S.Rao,
residing at No.A8,
401 Elite Promenade,
101 8th Main JP Nagar,
7th Phase,
Kothanur Village,
Bangalore-560 078

Temporarily residing at 3B,
Land Marvel Apartments,
12 Cross Street, Indra Nagar,
Chennai-600 020.

2. Mr.S.RANGANATH RAO
S/o.Late A.S.Rao, residing at 3B
Land Marvel Apartments,
12 Cross Street,
Indra Nagar,
Chennai - 600 020.

..Petitioners

-Vs-

1. Mrs.M.JAYANTHI BHEEMARAO
W/o.Mr.S.V.Bheemaroo,
residing at 3E, Mithali Sai Brindavan Apts.,
R.K.Nagar, 2nd Main Road,
Adambakkam,
Kanchipuram - 600 088.

2. MRS.VIDYA RAGAVENDRAN
W/o.Mr.Ragavendran,
residing at Block No.11, FC Jain Apts.,
174 Madambakkam Main Road,
Rajakilpakkam, Selaiyur,
Kanchipuram - 600 073.

..Respondents

This original petition praying that this Hon'ble court be pleased to permit the petitioners 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 them.

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 Mr.A.S.Rao.

2. In the petition, it is stated by the petitioners that their deceased father Mr.A.S.Rao, died on 10.11.2020 at No.14B, CGE Housing Colony, Kuppam Beach Road, Thiruvanmiyur, Chennai – 600 004. During his life time, the deceased executed a Will dated 08.12.2014, registered as Document No.77 of 2014. The Testator appointed the petitioners herein as executors of the Will. The respondents are the sisters of the petitioners and legal heirs of the Testator and he had bequeathed his moveable properties and immovable property, situated at No.14-B, CGE Housing Colony, Kuppam Beach Road, Thiruvanmiyur, Chennai-41, equally to all his four children. The respondents, who are none other than the sisters of the petitioners have given their consent affidavit, expressing their no objection for probate of the Will. The total amount of the assets will be for a sum of Rs.1,03,80,169/-.

3. It is further stated that so far 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 the property and credits of the deceased Mr.A.S.Rao.

4. In order to prove the Will, the 2nd petitioner is examined as PW.1 and he narrated the averments made in the petition stating that he has filed

this petition for the grant of probate in favour of the petitioners in respect of the Last Will and Testament executed by the Testator on 08.12.2014. Ex.P1 is the Original Registered Will dated 08.12.2014. Ex.P2 is the computer generated death certificate of the Testator A.S.Rao. Ex.P3 is the computer generated Legal Heirship Certificate of A.S.Rao. Ex.P4 is the Photocopy of Sale Deed dated 20.01.1995 executed in favour of Late A.S.Rao. Ex.P5 is the online Property Tax Receipt, dated 28.06.2021. Exs.P6 and P7 are the Consent Affidavits given by the 1st and 2nd respondents respectively. Ex.P8 is the affidavit of assets showing the net value of the estate as Rs.1,03,80,169/-.

5. One of the attestors of the Will dated 08.12.2014, viz., Mrs.Vasuki R Rao is examined as P.W.2 and marked evidence Ex.P9, which is her affidavit. In her evidence, she has stated that the Testator executed his last Will and Testament on 08.12.2014 in her presence and in the presence of one Mr.J.Gopal. At the time of executing the Will, the Testator was in a sound and disposing state of mind and not affected by any illness.

6. In the light of the averments made in the petition and the deposition of P.Ws.1 and 2 supported by documents Exs.P1 to P9, it is clear that the petitioners have proved the Will and there is no contra evidence. Hence, I

am satisfied that the petitioners are entitled to the relief sought for.

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

Sd/.K.R.J.
06.06.2022

//Certified to be a true copy//

Dated at Madras this the day of 2022.

SU/15.06.2022

COURT OFFICER(O.S.)

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