



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.1025 of 2019

In the matter of the Indian Succession
Act XXXIX of 1925

In the matter of the Last Will and
Testament of Tolaram Minny and
Jiwani Devi Minny (Deceased)

KANCHAN BOTHRA
W/o.Mr.Prakash Chand Bothra,
Flat No.6, No.9, Kothari Road,
Nungambakkam, Chennai-600 034

..Petitioner

-Vs-

RITU SURANA
W/o.Anil Kumar Surana,
Shanti Sarovar, 1st Floor,
No.7, Pattabiram Street,
Kondithope, Chennai-600 079

..Respondent

This original petition praying that this Hon'ble court be pleased that he may be allowed to prove the Will to Tolaram Minny and Jiwani Devi Minny dated 24.06.2016 in common form and that probate thereof, to have effect Limited to the State of Tamil Nadu may be granted to the petitioner.



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.Tolaram Minny and Mrs.Jiwani Devi Minny.

2.In the petition, it is stated by the petitioner that the Testators of the Will dated 24.06.2016, one Mr.Tolaram Minny and his Wife Mrs.Jiwani Devi Minny, died on 06.01.2017 and 31.10.2018 respectively at No.33/52, Peddu Naicken Street, Kondithope, Chennai – 600 001. During their life time, the deceased executed a Will dated 24.06.2016, registered as Document No.18 of 2016 at S.R.O, Sowcarpet. Both the deceased had no legal heirs since they were not blessed with Children. The parents of the both deceased were pre-deceased. During their life time, both of them had executed a Will dated 24.06.2016 in the presence of witnesses, bequeathing the petition schedule property in favour of the respondent, viz., Ritu Surana W/o. Anil Kumar Suarana and appointed the petitioner herein as the executor of the Will.

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.Tolaram Minny and Mrs.Jiwani Devi Minny. Therefore, the petitioner has come forward with the petition for grant of probate.

4. In order to prove the Will, the 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 respect of the Last Will and Testament executed by the Testators on 24.06.2016. Ex.P1 is the photocopy of the Sale Deed dated 29.09.1995. Ex.P2 is the Original Will dated 24.06.2016 executed by Mr.Tolaram Minny New Delhi Mrs.Jiwani Devi Minny, which has been attested by two attestors. Ex.P2 Will was registered as Doc.No.18 of 2016 on the file of the office of the Sub Registrar, Sowcarpet. Ex.P3 is the computer generated death certificate of Tolaram Minny. Ex.P4 is the Computer generated death certificate of Jiواني Devi Minny. Ex.P5 is the original receipt dated 29.12.2016 for the payment of Rs.2 lakhs by Anil Surana. Exs.P6 is the consent affidavit given by the respondent. Ex.P7 is the affidavit of assets showing the net value of the estate as Rs.40,00,000/-.

5. One of the attestors of the Will dated 24.06.2016, viz., Mr.Suresh

Kumar Surana is examined as P.W.2 and marked evidence Ex.P8, which is



his affidavit. In his evidence, he has stated that the Testators executed their last Will on 24.06.2016 in his presence and also in the presence of one Mr.Vijay Kumar Baid and all of them have attested the Will and that the Testators were in sound and disposing state of mind, memory and understanding at the time of executing the Will. In the same lines, another attester viz., Mr.Vijay Kumar Baid also deposed, stating that he subscribed Ex.P2 – Will and marked Ex.P9, his affidavit.

6. In the light of the averments made in the petition and the deposition of P.Ws.1 to 3 supported by documents Exs.P1 to P9, it is clear that the petitioner has proved the Will and there is no contra evidence. Hence, I am satisfied that the petitioner is entitled to the relief sought for.

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

Sd/.K.R.J.
06.06.2022

//Certified to be a true copy//

Dated at Madras this the day of 2022.

SU/10.06.2022

COURT OFFICER(O.S.)