

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.805 of 2021

In the matter of the Indian Succession
Act, XXXIX of 1925
and
In the matter of the Last Will and
Testament of Smt.V.Padma-deceased

SRI.M.S.SRINIVASAN,
S/o.M.S.Srinivasa Ragavan,
No.14/4, Sriram Flats,
Ram Nagar 5th Street,
Nanganallur, Chennai - 600 061.

..Petitioner

-Vs-

SRI.RAMA HARIHARA SUBRAMONY,
S/o.Rama Subramony,
No.15, 2nd Cross Street,
Ganesh Nagar, Madipakkam,
Chennai - 600 091.

..Respondent

This original petition praying that this Hon'ble court be pleased that he may be allowed to prove the Will in common form, and that probate thereof, to have effect throughout 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 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 Smt.V.Padma.

2. In the petition, it is stated by the petitioner that the Testatrix Smt.V.Padma died on 03.09.2019 at Hyderabad, leaving behind the house property situated at Chennai and also amounts lying in Indian Bank, Triplicane Branch vide S.B.Account No.400905368. During her life time, the Testatrix executed a Will dated 03.08.2019 in the presence of witnesses. The Testatrix had bequeathed her entire estate in favour of Sri Rama Harihara Subramony, who is the son of her brother and made provisions thereon. The petitioner is appointed as an Executor of the Will. The Testatrix got her estate through Letters of Administration granted in O.P.No.400 of 2017 on 05.04.2018, by this Court. The Testatrix left behind her no Class I legal heirs and her husband already died and there are no other heirs. The petitioner undertakes, as Executor, will act in the best

interest of the Will of the deceased and proved the same.

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 Smt.V.Padma.

4. In order to prove the Will, the petitioner is examined as PW.1 and marked exhibits P1 to P7. Ex.P1 is the original order dated 05.04.2018 passed in O.P.No.400 of 2017 by this Hon'ble Court granting letters of administration to Mrs.V.Padma. Ex.P2 is the original promissory note dated 04.12.2018. Ex.P3 is the original unregistered Will and Testament dated 03.08.2019 executed by Mrs.V.Padma, which has been attested by two attestors. Ex.P4 is the computer generated death certificate of Mrs.V.Padma. Ex.P5 is the photocopy of the first page of the Indian Bank passbook bearing account No.400905368 standing in the name of V.Rajammal. Ex.P6 is the affidavit of assets showing the net value of the estate as Rs.45,50,000/- and Ex.P7 is the affidavit of PW2.

5. One Mr.R.Sankaran, who is Attestor of the Will is examined as PW.2 and marked his affidavit as Ex.P7. He is stated that the testatrix is his

family friend and she executed Ex.P3 Will on 03.08.2019 in his presence and also in the presence of one Mr.B.Lenin Balu and he attested the Will.

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 P7, 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.

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/16.06.2022

COURT OFFICER(O.S.)

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