



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

TUESDAY, THE 21ST DAY OF JUNE 2022

THE HON'BLE MR. JUSTICE KRISHNAN RAMASAMY

O.P.No. 1021 of 2019

In the matter of the Indian Succession
Act, XXXIX of 1925

and

In the matter of the Last Will and
Testament of Mr.T.D.Krishnamurthy
(Deceased)

MR.D.KRISHNAMURTHY,
S/O.LATE P.DURASAMI NAIDU,
NO.1297, THENDRAL NAGAR SOUTH,
VENKIPPAL POST,
THIRUVANNAMALAI TALUK,
TIRUVANNAMALAI DISTRICT-606604

..PETITIONER

This original petition praying that this Hon'ble court be pleased to allow the petitioner to prove the Will of the deceased T.D.Krishnamurthy, in common form and that probate thereof to have effect limited to the State of Tamil Nadu may be granted to him.

<https://hcservices.ecourts.gov.in/hcservices/> 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 XXXIX of 1925 Read with Order XXV Rule 4 of Original Side Rules, for grant of Probate of the Will Annexed to the properties and credits of T.D.Krishnamurthy Deceased.

2.In the petition, it is stated that the petitioner is the half-brother of deceased T.D.Krishnamurthy. The said T.D.Krishnamurthy married one Bhanumathi on 01.09.1950 and thereafter, they were not blessed with any issues and the said Bhanumathi also passed away on 09.01.1996. Under these circumstances, the said T.D.Krishnamurthy, the petitioner's half-brother executed a Will bequeathing the schedule mentioned property to and in favour of D.Krishnamurthy, who is the petitioner herein by virtue of a registered Will dated 21.04.2010, registered as document no.28 of 2010 at the Office of the Sub-Registrar, Adyar. The said T.D.Krishnamurthy also passed away on 26.11.2015 at Tiruvannamalai. The total amount of the assets will be for a sum of Rs.42,00,000/-.

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 T.D.Krishnamurthy.



WEB COPY

4. In order to prove the Will, the petitioner was 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 petitioner in respect of the Will executed by T.D.Krishnamurthy on 21.04.2010. Ex.P1 is the original registered Will dated 21.04.2010 executed by Mr.T.D.Krishnamurthy. Ex.P2 is the original death certificate of Mr.T.D.Krishnamurthy, who died on 26.11.2015. Ex.P3 are the copies of the property details. Ex.P4 is the affidavit of assets showing the net value of the estate as Rs.42,00,000/-.

5. One of the attestors of the Will dated 21.10.2010 viz., Mr.R.Ramu was examined as P.W.2 and he has deposed as follows;

"Mr.T.D.Krishnamurthy was my neighbour. As such I am well acquainted with him. He executed Ex.P1 Will on 21.04.2010 in my presence and in the presence of Mr.S.Chandran. At his request, I signed as witness to the Ex.P1 Will in his presence. I saw Mr.T.D.Krishnamurthy signing the Ex.P1 Will. He was in a sound and disposing state of mind, memory and understanding at the time of execution of Ex.P1 Will. I was also one of the identifying witnesses to the Ex.P1 Will at the time registration of the Ex.P1 Will before the SRO, Adyar. I have filed my affidavit in this regard. Ex.P5 is my affidavit."



6. In the light of the averments made in the petition and the deposition of P.W.1 supported by documents Exs.P1 to P4, 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.
21.06.2022

//Certified to be a true copy//

Dated at Madras this the day of 2022.

su.27/06/2022

COURT OFFICER(O.S.)

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