

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:21.02.2022

Coram:

THE HON'BLE MR. JUSTICE P.VELMURUGAN

Original Petition No.941 of 2017

R.Srinivasan

.. Petitioner

Vs.

1. N.Syamala

2. R.Sathya Bama

.. Respondents

Original Petition filed under Sections 222 and 276 of Indian Succession Act 1925 and Under Order XXV Rule 4 of O.S. Rules, praying that petitioner may be allowed to prove the Will in common form and that probate thereof to have effect throughout to the State of Tamil Nadu.

For petitioner : Mr.Sharukumar S.I
for M/s.K.R.Hariharan

For Respondents: No appearance

ORDER

This petition has been filed by the petitioner seeking for probate of the Will dated 09.12.2016 executed by Mrs.K.Saraswathy, who died on 30.12.2016.

2. The husband of the Testatrix by name Mr.L.R.Kannan predeceased Mrs.K.Saraswathy on 10.01.2002. The said Mr.L.R.Kannan is the elder brother of the petitioner herein. The Testatrix died on 30.12.2016. She executed the Will dated 09.12.2016 which was executed in the presence of two witnesses namely R.V.Ramanan and Ms.Vijayalakshmi, who is one of the sisters of Mrs.K.Saraswathy. Before the learned Master, the petitioner was examined as a witness (P.W-1) and one of the attesting witnesses, namely, R.V.Ramanan 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	Photocopy of the sale deed dated 11.06.1992 in favour of Mrs.Saraswathy
Ex.P-2	Original last Will and Testament dated 09.12.2016 executed by Mrs.Saraswathy
Ex.P-3	Photocopy of the share certificate bearing certificate No.01564327 held by Mrs. K.Saraswathy in Dena Bank
Ex.P-4	Photo copy of the share certificate bearing certificate No.01564328 held by Mrs. K.Saraswathy in Dena Bank
Ex.P-5	Death certificate of the Testatrix K.Saraswathy, who died on 30.12.2016

<i>Exhibits</i>	<i>Nature of the document</i>
Ex.P-6	Photocopy of the death certificate of Kannan, who died on 10.01.2002
Ex.P-7	Photocopy of the Legal Heirship Certificate dated 28.02.2003 in respect of L.R.Kannan
Ex.P-8	Photocopy of Aadhaar card bearing No.2467 1944 8290 in respect of Saraswathy
Ex.P-9	Online property tax receipt dated 29.06.2016 in respect of the property mentioned in the petition
Ex.P-10	Photocopy of the receipt in respect of obsequies performed to Late Mrs.K.Saraswathy dated 02.01.2017
Ex.P-11	Photocopy of the Aadhaar card bearing No.7874 1434 1874 in respect of the petitioner R.Srinivasan
Ex.P-12	Affidavit of assets showing the net value of the estate as Rs.69,86,670/-
Ex.P-13	Affidavit of attesting witness Mr.R.V.Ramanan

4.As seen from the evidence available on record, the deceased Mrs.K.Saraswathy has executed the Will dated 09.12.2016. One of the attesting witnesses, namely, Mr.R.V.Ramanan has also been examined as witness (P.W-2) before the learned Master and he confirms the execution of the Will dated 09.12.2016 by Mrs.K.Saraswathy.

5.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.

6. Accordingly, Registry is directed to grant "Probate" in respect of the said Will in favour of the petitioner. As undertaken by the petitioner in paragraph 12 of the petition, the petitioner shall duly administer the property and credits of the deceased Mrs.K.Saraswathy 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 and credits within one year from the date of issuance of Probate by the Registry of this Court.

Sd/.P.V.J.
21.02.2022

//Certified to be a true copy//

Dated at Madras this the day of 2022

SU./25.02.2022

COURT OFFICER(O.S.)

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