



O.P.No.15 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.04.2023

CORAM

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**
O.P.No.15 of 2023

V.S.Ravi

... Petitioner

Vs

1.Mrs.Mangala Devi

2.Mrs.Dharma Sabapathy

3.Mr.V.S.Velusamy

4.Mrs.Latha

5.Mrs.Saraswathy

6.Mrs.Asha Priya

... Respondents

PRAYER: Original Petition filed for Testamentary and Intestate under Section 222 and 276 of Indian Succession Act, 1925 under Order XXV Rule 4 of Original Side Rules, prays to prove the Will in common form and that the Probate thereof.

For Petitioner : Mr.K.Balaji

ORDER

This Original Petition has been filed for issuance of probate for the last Will and testament dated 07.06.1989 executed by Late Saradha



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Somasundaram, who died on 04.07.2022. The petitioner and 3rd respondent are the sons, respondents 1, 2 and 4 are the daughters, respondents 5 and 6 are the legal heirs of the deceased son V.S.Sivakumar of the testatrix. The respondents 1 to 6 have filed their consent affidavits expressing their consent for grant of probate.

2. The petitioner has been examined as P.W.1. He has produced the death certificate of the testatrix Saradha Somasundaram, as Ex.P12 and the death certificates of V.S.Sivakumar (son of the testatrix) and V.Somasundaram (husband of the testatrix) as Exs.P1 and P2. The Original Will and Testament dated 07.06.1989 as Ex.P10.

3. One Mr.V.S.Velusamy, who is the brother of the first attesting witness and son of the testatrix, has been examined as P.W.2. He has identified the signature of the testatrix and first attesting witness, as that of his elder brother, died on 19.04.2022. One Mrs.Saraswathy was examined as P.W.3, she is the daughter in-law of the testatrix and wife of the first attesting witness, she has also identified the signature of the testatrix and first attesting witness, as that of her husband. The consent affidavits of the respondents 1 to 6 has been marked as Exs. P14 to P19.



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4. In view of the said facts and evidence, the execution of the Will stands proved. Hence, the Original Petition is allowed granting probate for the last will and testament dated 07.06.1989.

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Index :Yes/No

Speaking: Yes/ No

Neutral Citation: Yes/No

Petitioner's witness:

P.W.1 —Mr.V.S.Ravi

P.W.2 – Mr.V.S.Velusamy

P.W.3- Mrs.Saraswathy

Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Computer generated death certificate of Mr.V.Somasundaram
Ex.P2	Computer generated death certificate of Mr.V.S.Sivakumar
Ex.P3	Certified copy of the Sale Deed dated 17.01.1957, executed in favour of MrS.Sarada
Ex.P4	CMWSSB Tax Card standing in the name of Mrs.Sarada Somasundaram
Ex.P5	CMWSSB Tax Receipts standing in the name of Mrs.Sarada Somasundaram (Series 4 Nos)
Ex.P6	CMWSSB Tax online Receipts standing in the name of Mrs.Sarada Somasundram



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<i>Exhibits</i>	<i>Documents</i>
Ex.P7	EB Card standing in the name of Mrs.Sarada Somasundaram
Ex.P8	Property Tax demand card standing in the name of Mr.S.Veluswamy
Ex.P9	Computer generated property tax receipt standing in the name of Mr.S.Velusamy
Ex.P10	Original Will dated 07.06.1989 executed by Mrs.Sarada Somasundaram
Ex.P11	Certified copy of the Settlement Deed dated 14.12.1987 executed by Mrs.Sarada Somasundram in favour of Mr.V.S.Sivakumar
Ex.P12	Computer generator death certificate of Mrs.Saradha Somasundaram
Ex.P13	Affidavit of assets showing the net value of the estate as Rs.35,00,000/-
Ex.P14	Consent affidavit given by the 1 st respondent
Ex.P15	Consent affidavit given by the 2 nd respondent
Ex.P16	Consent affidavit given by the 3 rd respondent
Ex.P17	Consent affidavit given by the 4 th respondent
Ex.P.18	Consent affidavit given by the 5 th respondent
Ex.P.19	Consent affidavit given by the 6 th respondent
Ex.P.20	Photocopy of Aadhaar Card of the Petitioner
Ex.P.21	Photocopy of Aadhaar Card of Mrs.Saradha Somasundaram
Ex.P.22	Aadhaar Card of V.S.Velusamy
Ex.P.23	Affidavit of V.S.Velusamy
Ex.P.24	Aadhaar Card of Saraswathy
Ex.P.25	Affidavit of Saraswathy

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