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O.P.No. 74 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.07.2023

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA
O.P.No. 74 of 2023

Sankaran Natarajan

...

Petitioner

Vs.

1.Mythili Sankaran

2.Subramanian Sankaran

3.Sankaran Venkataraman

...

Respondents

PRAYER: Original Petition filed for Testamentary and Intestate under Sections 222 and 276 of the Indian Succession Act, 1925 read with Order XXV Rule 4 of the High Court Original Side Rules, 1956 prays to prove the Will in common form and that the Probate thereof to have effect throughout the State of Tamil Nadu may be granted to the petitioner.

For Petitioners : M/S.S.R.Sundar

For Respondents : M/S.S.R.Subashini

ORDER

This Original Petition has been filed for issuance of Probate for the last Will and testament dated 13.03.2019 executed by Late Venkataraman Sankaran, who died on 21.03.2021.

2.The petition mentioned properties belonged to one Venkataraman Sankaran as his self acquired properties. During his life time he executed a



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Will dated 13.03.2019 by bequeathing all the properties in favour of the 1st respondent who is the wife of Venkataraman Sankaran, by appointing the petitioner as the executor of the Will. Venkataraman Sankaran died on 21.03.2021 leaving behind the 1st respondent and the petitioner and the respondents 2 and 3 as his legal heirs.

3. The 1st respondent is the wife of the deceased and the petitioner and the respondents 2 and 3 are sons of the deceased. The petitioner who has been appointed as the executor in the Will of the Testator has been examined as PW.1 and through him the following documents are marked:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Original unregistered Will dated 13.03.2019 executed by Venkataraman Sankaran
Ex.P2	Computer generated death certificate of V.Sankaran
Ex.P3	Computer generated legal heirship certificate of V.Sankaran
Ex.P4	Photocopy of the Aadhar Card of V.Sankaran
Ex.P5	Photocopy of the Family Card of V.Sankaran
Ex.P6	Photocopy of the Aadhar Card of the petitioner
Ex.P7	Photocopy of the Aadhar Card of the 1 st respondent
Ex.P8	Photocopy of the Aadhar Card of the 2 nd respondent
Ex.P9	Photocopy of the Aadhar Card of the 3 rd respondent
Ex.P10	Photocopy of the Sale Deed dated 11.07.1988 executed in favour of V.Sankaran
Ex.P11	Photocopy of the Sale Deed dated 14.12.2011 executed in favour of V.Sankaran
Ex.P12	Photocopy of the Sale Deed dated 02.11.2015 executed in



<i>Exhibits</i>	<i>Documents</i>
	favour of V.Sankaran
Ex.P13	Photocopy of the PPF Accounts Passbook in State Bank of India, Adyar Branch bearing Account No.10792690473 standing in the name of V.Sankaran
Ex.P14	Affidavit of assets showing the net value of the estate as Rs.2,50,00,000/-
Ex.P15	Consent affidavit given by the 1 st respondent
Ex.P16	Consent affidavit given by the 2 nd respondent
Ex.P17	Consent affidavit given by the 3 rd respondent

4. The respondents 1 to 3 have also filed their consent affidavits expressing their consent for grant of probate and they are marked as Ex.15 to 17.

5. One of the attesting witness by name B.Mahalakshmi examined as PW.2 and she has stated that the Will was executed by Venkataraman Sankaran in her presence. She had also further stated that the other attesting witness R.Harini was also present and PW.2 subscribed her signature as the 2nd attesting witness in the Will. She has also stated that herself and other attesting witness had seen the testator signing the Will and at that time he was in a sound and disposing state of mind.

6. The above oral and documentary evidence on the side of the petitioner proved that the Will is true and genuine. The Will which is



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produced as Ex.P1 would show that it would fulfill the essential requirements of Sec.63(3) of the Indian Successions Act with the evidence of the attestors the Will has also been proved in accordance with Sec.68 of the Indian Evidence Act 1872.

7. In view of the said evidence, the execution of the Will stands proved. Hence, the Original Petition is **allowed** by granting a probate of the last Will and Testament dated 13.03.2019 of late Venkataraman Sankaran the testator to the petitioner to have effect limited to the State of Tamil Nadu. The petitioner shall also provide a true and fair inventory and render true and fair accounts of the properties and credits of the estate of the testatrix within six months and one year, respectively, from the date of decree. There will be no order as to costs.

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Index :Yes/No

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