



WEB COPY



O.P.No.639 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:27.04.2023

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

O.P.No.639 of 2021

Anil D.Wadhwa

... Petitioner

Vs

1.Kamala D Wadhwa

2.Varsha Dusija

3.Hema Mukhija

4.Master Chetan (minor)

... Respondents

(Represented by his Grandmother Kamala D Wadhwa)

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.N.Nagu Sah

For Respondents : No appearance
notice served to R1 to R4

ORDER

This Original Petition has been filed for issuance of probate for the last Will and testament dated 07.04.2019 executed by Late Doulatram T



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Wadhwa, who died on 20.04.2019. The petitioner is the son, first respondent is the wife, the second and third respondents are the daughters, and the fourth respondent is the grandson of the testator. The petitioner and the brother of the testator namely Maheshkumar Wadhwa are appointed as the executors under the said Will. The petitioner is the sole beneficiary under the Will. The respondents 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 testator Doulatram T Wadhwa, as Ex.P2. The Original Will and Testament dated 07.04.2019, has been marked as Ex.P1. The legal heirship certificate of the testator is produced as Ex.P3. A perusal of Ex.P3 shows that the petitioner and the first to third respondents are the class-I legal heirs of the testator. The said consent affidavits of the respondents have been marked as Exs.P10 to P12.

3. One Mr.Suderson Fomra, who is the first attesting witness to the said Will has been examined as P.W.2. He has spoken about the execution of the Will by the testator and its attestation by himself and Mr.Praveen Chand.



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4. In view of the said evidence, the execution of the Will stands proved. Hence, the Original Petition is allowed by granting probate for the last will and testament dated 07.04.2019.

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Index :Yes/No

Speaking: Yes/ No

Neutral Citation: Yes/ No

Petitioner's witness:

P.W.1 – Mr.Anil D.Wadhwa

P.W.2 – Mr.Suderson Fomra

Documents exhibited by the petitioner:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Original Will dated 07.04.2019 executed by Mr.Doulattram T Wadhwa
Ex.P2	Computer generated death certificate of Doulattram T.Wadhwa
Ex.P3	Computer generated legal heirship certificate of Doulattram T.Wadhwa
Ex.P4	Photocopy of the registered Sale Deed dated 01.08.1990 executed by Mr.Dhakshinamurthy in favour of Doulattram Wadhwa registered as Doc.No.7072 of 1990 before the SRO, Ambattur
Ex.P5	Photocopy of the registered Sale Deed dated 01.02.2002 executed by M/s.Happy Home Foundations Private Limited and Mr.C.Sudhakar in favour of Mr.Doulattram, registered as Doc.No.124 of 2002 before the SRO, Manavala Nagar
Ex.P6	Photocopy of the Sale Deed dated 06.06.1994 executed by



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<i>Exhibits</i>	<i>Documents</i>
	Mr.N.Paul in favour of Doulatram, registered as Doc.No.4331 of 1994 before the SRO, Ambattur
Ex.P7	Photocopy of the Sale Deed dated 13.12.2004 executed by Mr.Godwin Lucas and Mrs.Jenova in favour of Doulatram Wadhwa, registered as Doc.No.4175 of 2004 before the SRO, Villivakkam
Ex.P8	Affidavit of assets showing the net value of the estate as Rs.1,66,68,750/-
Ex.P9	Original letter dated 10.12.2020 addressed to me by Mahesh Kumar Wadhwa, the other executor to the Ex.P1 Will stating that he has no objection in me taking necessary steps for grant of probate in respect of Ex.P1 Will
Ex.P10	Consent affidavit given by the 1 st respondent for herself and as the guardian of the 4 th respondent
Ex.P11	Consent affidavit given by the 2 nd respondent
Ex.P12	Consent affidavit given by the 3 rd respondent
Ex.P13	Affidavit of the attesting witness PW2

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