



WEB COPY



O.P.No.638 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.06.2023

CORAM

**THE HONOURABLE MR.JUSTICE K.KUMARESH BABU**

**O.P.No.638 of 2021**

Lalitha Suryanarayanan

... Petitioner

Vs.

1.Usha Mahadevan

2.M.Rahul

3.R.Radhika

... Respondents

**Prayer:** Original Petition filed for Probate under Section 222 and 276 of Indian Succession Act, 1925 r/w Order XXV Rule 5 of Original Side Rules, 1956 petitioner prays that she may be allowed to prove the Will in common form and that probate thereof.

For Petitioner : M/s. M.Abinu Monisha

For Respondents : No Appearance

**ORDER**

This Original Petition has been filed for issuance of probate for the last Will and testament dated 22.01.2020, executed by R Mahadevan, who died on 18.06.2020. The first respondent is the wife, second and third respondents are the



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son and daughter of the testator. The petitioner is appointed as the executor under the Will. The testator has given life interest over the property to the first respondent and thereafter the properties absolutely to the second respondent. The respondents have filed their consent affidavits expressing their consent for grant of probate.

2. The petitioner has been examined as P.W.1. She has produced the death certificate of the testator R.Mahadevan as, Ex.P2. The Original Will and Testament dated 22.01.2020, 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 first, second and third respondents are the only Class-I legal heirs of the testator. The consent affidavits of the respondents has been marked as Exs.P5 to P7.

3. One R.Narayanasamy, 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 attestation by himself and second attesting witness Suryanarayanan.

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 22.01.2020.

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**gba**

<https://www.mhc.tn.gov.in/judis>



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Index :Yes/No

Internet: Yes/ No

**Petitioner's witness:**

P.W.1 – Mrs.Lalitha Suryanarayanan

P.W.2 – Mr.R.Narayanasamy

| <i><b>Exhibits</b></i> | <i><b>Documents</b></i>                                                   |
|------------------------|---------------------------------------------------------------------------|
| Ex.P1                  | Original Will dated 22.01.2020 executed by R.Mahadevan                    |
| Ex.P2                  | The computer generated death certificate of R.Mahadevan                   |
| Ex.P3                  | Photocopy of the Legal Heirship certificate of R.Mahadevan                |
| Ex.P4                  | Affidavit of assets showing the net value of the estate as Rs.59,80,000/- |
| Ex.P5                  | Consent affidavit given by the first respondent                           |
| Ex.P6                  | Consent affidavit given by the second respondent                          |
| Ex.P7                  | Consent affidavit given by the third respondent                           |
| Ex.P8                  | Proof affidavit of the first attesting witness                            |

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**K.KUMARESH BABU,J.**

**gba**

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