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O.P.No.522 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:18.04.2023

CORAM

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**
O.P.No.522 of 2022

B.V.R.Subramaniam ... Petitioner
Vs

1.B.Kanga Durga
2.T.Nagalath
3.B.Nagaraj ... 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 : Ms.R.J.Radhika

For Respondents : No appearance

ORDER

This Original Petition has been filed for issuance of probate for the last Will and testament dated 04.08.2016 executed by Late B.V.L.Narasimha Rao, who died on 02.01.2017. The petitioner, second and third respondents are the son and daughters, first respondent is the wife of the testator. The petitioner has been appointed as an executor under the Will. The first and second respondents have been examined as P.W.3 and



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P.W.4 and have expressed their consent in the proof affidavit for grant of probate.

2. The petitioner has been examined as P.W.1. He has produced the the death certificate of the testator B.V.L.Narasimha Rao, as Ex.P2, the Original unregistered Will and Testament dated 04.08.2016, has been produced as Ex.P1, and the legal heirship certificate of the testator B.V.L.Narasimha Rao, as Ex.P3. A perusal of Ex.P3 shows that the petitioner and the respondents are the only legal heirs of the testator B.V.L.Narasimha Rao. Despite the Court notice served on the third respondent, any objections have not been received, in this original petition from the third respondent herein or from any other person.

3. One G.V.L.Narasimha Rao, who is first attester 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.Venugopal Sistla.

4. In view of the said evidence, the execution of the Will stands proved. Hence, the Original Petition is allowed granting probate for the last will and testament dated 04.08.2016.

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Index :Yes/No

Speaking: Yes/ No

Neutral Citation: Yes/ No

Petitioner's witness:

P.W.1 – Mr.B.V.R.Subramanyam

P.W.2 – Mr.G.V.L.Narasimha Rao

P.W.3 – Mrs.B.Kanaga Durga

P.W.4 – Mrs.T.Naga Latha

Documents exhibited by the petitioner:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Original unregistered Will and Testament dated 04.08.2016 executed by Mr.B.V.L.Narasimha Rao
Ex.P2	Computer generated death certificate of Mr.B.V.L.Narasimha Rao
Ex.P3	Original legal heirship certificate of Mr.B.V.L.Narasimha Rao
Ex.P4	Online printout of the property tax receipt dated 27.03.2022
Ex.P5	Online printout of the property tax receipt dated 23.08.2021
Ex.P6	Affidavit of assets showing the net value of the estate as Rs.80,00,000/-
Ex.P7	Affidavit of the 1 st attesting witness PW2

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