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O.P.No.648 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:26.04.2023

CORAM

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**
O.P.No.648 of 2022

J.Janakiraman

... Petitioner

Vs

1.J.Krishnamurthy
2.J.Ruthramurthy @ Ruthiran
3.S.Gowri
4.Santhanalakshmi
5.Karthikeyan
6.Ganam
7.Jothi

... 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.Jebadas Pandian

For Respondents : No appearance

ORDER

This Original Petition has been filed for issuance of probate for the last Will and testament dated 17.02.1992 executed by Late G.Jayaraman,



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who died on 24.01.2004. The petitioner, first and second respondents are the sons, the sixth and seventh respondents are the daughters and the respondents three to five are the legal heirs of the deceased son J.Sivaganam of the testator. The petitioner is appointed as the executor 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 certificates of the testator G.Jayaraman, J.Anadammal (wife of the testator) and J.Sivagnanam (son of the testator), as Exs.P4, P5 and P6. The Original Will and Testament dated 17.02.1992, has been marked as Ex.P3. The legal heirship certificate of the testator is produced as Ex.P24. A perusal of Ex.P24 shows that the petitioner, the first, second, sixth and seventh respondents, and the deceased son J.Sivaganam are the only Class-I legal heir of the testator. The consent affidavits of the respondents has been marked as Exs.P14 to P20.

3. One Mr.G.Babu, who is the son of the first attesting witness (N.Govindaswamy) to the said Will has been examined as P.W.2. The first attester to the Will died on 14.07.2003. He has identified the signature of



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his father in the Will. One Mr.Rose Gandhi, who is the paternal aunt's son of the second attesting witness (D.Ekambaram) to the Will has been examined as P.W.3. He has identified the signature of his brother in-law in the Will, as he died on 04.12.2011.

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 17.02.1992.

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gba

Index :Yes/No

Speaking: Yes/ No

Neutral Citation: Yes/ No

Petitioner's witness:

P.W.1 – Mr.J.Janakiraman

P.W.2 – Mr.G.Babu

P.W.3 – Mr.Rose Gandhi

Documents exhibited by the petitioner:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Photocopy of the Sale Deed dated 23.08.1972 executed in favour of Mr.G.Jayaraman



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<i>Exhibits</i>	<i>Documents</i>
Ex.P2	Photocopy of the extract from the permanent land register standing in the name of Mr.G.Jayaraman
Ex.P3	Original Will dated 17.02.1992 executed by Mr.G.Jayaraman
Ex.P4	Original death certificate of Mr.G.Jayaraman
Ex.P5	Computer generated death certificate of J.Anadalammal
Ex.P6	Computer generated death certificate of Mr.J.Sivagnanam
Ex.P7	Computer generated legal heirship certificate of Mr.J.Sivagnanam
Ex.P8	Photocopy of the petitioner's Aadhaar card
Ex.P9	Photocopy of the Aadhaar card of the 1 st respondent
Ex.P10	Photocopy of the Aadhaar card of the 2 nd respondent
Ex.P11	Photocopy of the Aadhaar card of the 3 rd respondent
Ex.P12	Photocopy of the Aadhaar card of the 4 th respondent
Ex.P13	Photocopy of the Aadhaar card of the 5 th respondent
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.P18	Consent affidavit given by the 5 th respondent
Ex.P19	Consent affidavit given by the 6 th respondent
Ex.P20	Consent affidavit given by the 7 th respondent
Ex.P21	Computer generated death certificate of N.Govindasamy who is the first attesting witness in Ex.P3 Will
Ex.P22	Computer generated death certificate of Ekambaram who is the second attesting witness in Ex.P3 Will
Ex.P23	Affidavit of assets showing the net value of the estate as Rs.48,00,000/-
Ex.P24	Computer generated legal heirship certificate of Mr.Jayaraman



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