



O.P.No.312 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.01.2023

CORAM

THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

O.P.No.312 of 2019

G.Ragunathan

... Petitioner

-VS-

1.G.Vasudevan

2.Prashanth K.Rangan

... Respondents

PRAYER: Original Petition filed under Sections 222 and 276 of the Indian Succession Act and under Order XXV Rule 4 of O.S.Rules for grant of Probate, pleased to prove the Will in common form and that Probate thereof to have limited effect to the State of Tamil Nadu may be granted to the petitioner.

For Petitioner : Mr.P.B.Ramanujam



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ORDER

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The petitioner seeks grant of probate in respect of the last Will and testament jointly executed by R.Govindarajan and his wife, Jaya Govindarajan, on 25.06.2001.

2. The petitioner states that he is the son of the late R.Govindarajan and the late Jaya Govindarajan. The above mentioned testator and testatrix executed the joint Will on 25.06.2001 at Chennai. The said Will was registered at the office of the Sub Registrar, Kodambakkam, Chennai.

3. The petitioner states that his father died on 19.06.2004 and that his mother died on 30.01.2016. The class I heirs of the deceased are mentioned in paragraph 7 of the petition. The said class I legal heirs are the petitioner and the two respondents.

4. In order to prove the Will and establish entitlement to the relief claimed, the petitioner adduced evidence by examining himself as P.W.1.



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In course of the examination in chief of P.W.1, the eight documents listed at the foot of this order were exhibited as Exs.P1 to P8. The original Will jointly executed by Mr.R.Govindarajan and Mrs.Jaya Govindarajan is on record as Ex.P1. This exhibit discloses that the Will was executed on 25.06.2001 in the presence of two witnesses, namely, T.N.Balakrishnan and Amsa Balakrishnan. It is also evident that the Will was registered on the same date before the office of the Sub Registrar, Kodambakkam. The petitioner has been appointed as the executor of the Will. The death certificate of the late R.Govindarajan is on record as Ex.P2 and that of the late Jaya Govindarajan as Ex.P3. These documents disclose that the testator and testatrix died on 19.06.2004 and 30.01.2016, respectively. The legal heirship certificate in respect of Mr.Govindarajan is on record as Ex.P4. This document discloses the name of his wife, and the names of the petitioner and respondents herein as the class I legal heirs. Both the respondents have provided consent affidavits.

5. The petitioner also examined one of the attesting witnesses, namely, Mr.T.N.Balakrishnan through an Advocate Commissioner. The



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said Advocate Commissioner has enclosed the deposition with the report dated 19.12.2022. In the deposition, P.W.2 stated that he was the neighbour of the testator and testatrix. He further deposed that he was present when the Will was signed and that both the testator and testatrix were in a sound and disposing state of mind when the Will was executed.

6. Based on the assertions in the petition and the evidence adduced in support thereof, the petitioner is entitled to the relief claimed. Accordingly, O.P.No.312 of 2019 is allowed by granting a probate to the petitioner in respect of the last Will and testament dated 25.06.2001. The probate shall have effect throughout the State of Tamil Nadu.

09.01.2023

rna

Index : Yes / No

Internet : Yes / No

Petitioner's witness:

P.W.1 - Mr.G.Ragunathan

P.W.2 - Mr.T.N.Balakrishnan

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Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Original Will dated 25.06.2001 executed jointly by Mr.R.Govindarajan and Mrs.Jaya Govindarajan.
Ex.P2	Computer generated death certificate of Mr.R.Govindarajan.
Ex.P3	Computer generated death certificate of Mrs.Jaya Govindarajan.
Ex.P4	Photocopy of the Legal Heirship certificate of Mr.Govindarajan, dated 02.09.2004. (Compared with the Original)
Ex.P5	Computer generated death certificate of Ms.K.Chitra.
Ex.P6	Consent affidavit given by the first respondent.
Ex.P7	Consent affidavit given by the second respondent.
Ex.P8	Affidavit of assets showing the net value of the estate as Rs.20,00,000/-.



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