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O.P.No.309 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **02.06.2023**

CORAM

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**  
**O.P.No.309 of 2022**

Vidya Reddy ... Petitioner

Vs

Sharath Devendra ... Respondent

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 that the petitioner may be allowed to prove the Will dated 09.12.2016 registered as Doc.No.68/2016 in the office of SRO, Periamet, Chennai of Late Dr.Saranya Kumari Reddy in common form, and that probate thereof, to have effect throughout the State of Tamil Nadu may be granted to her.

For Petitioner : M/s.Geeta Ramaseshan

For Respondent : No Appearance

ORDER

This Original Petition has been filed for issuance of probate for the last Will and testament dated 09.12.2016 executed by Late Dr.Saranya Kumari Reddy, who died on 18.05.2021. The petitioner is the niece and the respondent is the brother of the testator. The petitioner is appointed as the



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executrix under the Will. The petitioner's mother is the beneficiary under the Will. The respondent has filed his consent affidavit expressing his consent for grant of probate.

2. The petitioner states that the testatrix had five sisters and one brother, among which four sisters pre-deceased the testatrix. The testatrix and the petitioner's mother are joint owners of the immovable property mentioned in the A schedule of the Will, and the testatrix has bequeathed the 50% of share of the testatrix to the petitioner's mother along with the B schedule property in the Will. The testatrix has no Class-I legal heirs as the testatrix remained unmarried till her death. The petitioner's mother and the respondent are the only surviving Class-II legal heirs

3. The petitioner has been examined as P.W.1. She has produced the death certificate of the testatrix Dr.Saranya Kumari Reddy, which was marked as Ex.P2. The Original registered Will and Testament dated 09.12.2016, has been marked as Ex.P1. The consent affidavit of the respondent has been marked as Ex.P6.

4. One Mrs.Malathy Reddy, who is the first attesting witness has been



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examined as P.W.2. She has spoken about the execution of the Will by the testatrix and its attestation by herself. One Mr.P.Anand Bhoopathy, who is the second attesting witness has been examined as P.W.3. He has also spoken about the execution of the Will by the testatrix and its attestation by himself.

5. .In view of the said facts and evidence, the execution of the Will stands proved. Hence, the Original Petition is allowed by granting probate for the last Will and testament dated 09.12.2016.

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Index :Yes/No

Internet: Yes/ No

**Petitioner's witness:**

P.W.1 —Ms.Vidya Reddy

P.W.2 – Mrs.Malathy Reddy

P.W.3 – Mr.P.Anand @ Anand Bhoopathy

**Documents exhibited by the petitioners:**

| <i>Exhibits</i> | <i>Documents</i>                                                   |
|-----------------|--------------------------------------------------------------------|
| Ex.P1           | Original Will dated 09.12.2016 executed by Dr.Saranya Kumari Reddy |
| Ex.P2           | Computer generated death certificate of Saranya Kumari             |



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| <i><b>Exhibits</b></i> | <i><b>Documents</b></i>                                                                                      |
|------------------------|--------------------------------------------------------------------------------------------------------------|
|                        | Reddy                                                                                                        |
| Ex.P3                  | Photocopy of the letter dated 13.01.2022 addressed to Padmavathy Reddy by the Tahsildar, Purasawalkam Taluk. |
| Ex.P4                  | Computer generated guideline value in respect of the property mentioned in the petition                      |
| Ex.P5                  | Affidavit of assets showing the net value of the estate as Rs.4,12,65,400/-                                  |
| Ex.P6                  | Consent affidavit given by the respondent                                                                    |
| Ex.P7                  | Proof Affidavit of the first attesting witness                                                               |
| Ex.P8                  | Proof Affidavit of the second attesting witness                                                              |

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