



WEB COPY



O.P.No.641 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2023

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

O.P.No.641 of 2022

1.Dr.Ranjith Kurain Matthan
2.Anna Matthan

... Petitioners

Vs.

1.Jacob Matthai
2.Chitra Mariam Matthai
3.Rachel Mattha

... Respondents

Prayer: Original Petition filed for Testamentary and Intestate under Section 222 and 276 of Indian Succession Act, 1925 r/w Order XXV Rule 4 of Original Side Rules, prayed to allow the petitioners to prove the last Will and Testament dated 01.10.2005, executed by Late Mrs.Elizabeth J.Matthai in common form and that Probate thereof.

For Petitioners : Ms. Stella Manoharan

For Respondents : No Appearance

ORDER

This Original Petition has been filed for issuance of probate for the last Will and testament dated 01.10.2005 executed by Late Elizabeth J.Mathai, who died on



27.02.2013. The first petitioner is the brother of the testatrix and the second petitioner is the wife of the first petitioner. The first respondent is the husband, second and third respondents are the daughters of the testatrix. The petitioners and the first respondent are appointed as the joint executors under the Will. The respondents are the beneficiaries named under the Will. The respondents have filed their consent affidavits expressing their consent for grant of probate.

2.The first petitioner has been examined as P.W.1. He has produced the death certificate of the testatrix Elizabeth J.Mathai, as Ex.P2. The legal heirship certificate of the testatrix Elizabeth J.Mathai, has been produced as Ex.P3. A perusal of Ex.P3 shows that the respondents are the only Class-I legal heirs of the testatrix. The original unregistered Will and Testament dated 01.10.2005, has been produced as Ex.P1. The joint consent affidavits of the respondents have been produced as Ex.P11.

3.One Mrs.Nirmala Kurien, who is the second attesting witness to the said Will has been examined as P.W.2. She has spoken about the execution of the Will by the testatrix and its attestation by herself and Mr.George Cherian.

4.In view of the said evidence, the execution of the Will stands proved. Hence, Original Petition is allowed by granting probate for the last Will and Testament dated 01.10.2005.



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Index :Yes/No

Internet: Yes/ No

Petitioner's witness:

P.W.1 – Dr.Ranjith Kurain Matthan

P.W.2 – Nirmala Kurien

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Original Will executed by Mrs.Elizabeth J.Matthai on 01.10.2005
Ex.P2	The original death certificate of Mrs.Elizabeth J.Matthai
Ex.P3	Photocopy of the legal heir certificate of Mrs.Elizabeth J.Matthai
Ex.P4	Photocopy of the first petitioner's Aadhaar Card
Ex.P5	Photocopy of the second petitioner's Aadhaar Card
Ex.P6	Photocopy of the transaction statement issued by HDFC Bank Limited in respect of the shares Timken India Limited standing in the name of Elizabeth J.Matthai
Ex.P7	The downloaded copy of the consolidated account statement with NSDL standing in the joint names of Jacob Matthai and Elizabeth J.Matthai along with the certificate under Sec.65 B of the Evidence Act
Ex.P8	The downloaded copy of the NSDL consolidated account statement issued by ICICI Bank for the Demat Account and Mutual Funds standing in the joint names of Jacob Matthai and Elizabeth J.Matthai along with the certificate under Sec.65 B of the Evidence Act
Ex.P9	Photocopy of the Memorandum of Agreement dated



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<i>Exhibits</i>	<i>Documents</i>
	01.11.1995
Ex.P10	The downloaded photocopy of the statement of holding issued by HDFC Bank in respect of the shares of MRF Limited standing in the name of Elizabeth J.Matthai along with the certificate under Sec.65 B of the Evidence Act
Ex.P11	Joint consent affidavit of the respondents
Ex.P12	Affidavit of assets showing the net value of the estate at RS.9,71,58,362/-
Ex.P13	Proof affidavit of the second attesting witness

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