



[O.P.NO.477 OF 2022](#)

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N.SATHISH KUMAR, J.

This Original Petition has been filed under Sections 222 and 276 of the Indian Succession Act, 1925, read with Order XXV Rule 4 of the Madras High Court Original Side Rules, for grant of probate in respect of the last Will and Testament of the deceased S.Dhanalakshmi dated 19.04.2010, who is the mother of the petitioner and respondents.

2.The petitioner, first and second respondent are the sons and third respondent is the daughter of the deceased S.Dhanalakshmi. According to the petitioner, his mother had 46,000 shares in Sri Vinayaga Handlers Private Limited and she executed a registered Will dated 19.04.2010 bequeathing the shares in favour of her two sons namely S.Suresh Kumar and S.Ramesh Kumar, the petitioner and the first respondent herein. The mother of the petitioner died on 08.05.2021 leaving behind her the petitioner and the respondents as her legal heirs. Hence, the petition.



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3.The petitioner examined himself as P.W.1 and he has stated about the execution of the Will by his mother and marked Exs-P.1 to P.20.

The document Ex-P.1 is the original Will dated 19.04.2010 executed by the deceased S.Dhanalakshmi; to prove the death of the father of the petitioner Ex-P.2 death certificate of N.Santhanam is marked; legal heirship certificate of N.Santhanam is marked as Ex-P.3; to prove the death of petitioner's mother death certificate of S.Dhanalakshmi is marked as Ex-P.5; legal heirship certificate of S.Dhanalakshmi is marked as Ex-P.6; documents viz., Exs-P.8, 9 and 10 are marked to prove the shares in the company. The respondents 1 to 3 have filed consent affidavit, which are marked as Exs-P.15 to P17.

4.Mr.M.Shanmugasundaram, one of the attesting witnesses of the Will has been examined as P.W.2. He has stated about the execution as well as the attestation of the Will by the said S.Dhanalakshmi while she was in sound state of mind. His evidence proves the execution of Will by the deceased S.Dhanalakshmi.



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5.In view of the above facts, I am of the view that the petitioner has proved the execution and attestation of the Will. Hence, the petitioner is entitled for the issuance of probate in favour of the petitioner.

6.The Original Petition is ordered. Grant probate of the Will in respect of the petitioner.

05.10.2023

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