



O.P.No.474 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 21.04.2023

CORAM

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**
O.P.No.474 of 2022

G.Venkatesan

... Petitioner

Vs

1.Mr.Ravi Swaminathan
2.Mr.A.Ramachandran
3.Mr.A.Rajagopal
4.Mr.J.Rajaram
5.Mr.J.Radhakrishnan
6.Ms.Saroja Kannan
7.Ms.Vatsala Krishnamoorthy
8.Ms.Renuka Vasudevan
9.Ms.A.Asha
10.Ms.Geetha Raman
11.Ms.Chitra Rangan
12.Mr.S.Subramanian
13.Ms.S.Vyjayanthi
14.Mr.G.Chandrasekaran
15.Ms.P.Rukumani
16.Mr.R.Gopala Krishnan
17.Ms.S.Visalakshi
18.Ms.Alamelu Krishnamurthi
19.Ms.G.Mythili

... 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, to have effect throughout the whole of State of Tamil Nadu may be granted to him.



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For Petitioner : Mr.Prasad Vijayakumar

For Respondents : Vignesh Sekar

for RR1,2,3,5,10,11,14,15 &18

Vakalat Returned for RR16,17 &19

No Appearance for RR4,6,7,8,9,12 & 13

ORDER

This Original Petition has been filed for issuance of probate for the last Will and testament dated 10.07.2020 executed by Late S.Krishnamurthy, who died on 08.03.2022. The petitioner (nephew) is the son of late brother Govindan, the respondents one, ten and eleven are the legal heirs of the deceased brother S.Swaminathan, respondents two and three are the legal heirs of the deceased brother S.Ayyasamy, respondents four to nine are the legal heirs of the deceased brother S.Janakiraman, respondents twelve and thirteen are the legal heirs of the deceased brother S.Sundaresan, respondents fourteen and fifteen are the legal heirs of the deceased sister G.Nagalaskhmi, respondent sixteen is the legal heir of the deceased sister R.Alamelu and respondents seventeen to nineteen are the legal heirs of the deceased sister Sampooranam of the testator. The petitioner has been appointed as the executor under the said Will. The first respondent is the sole beneficiary under the Will.



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2. The petitioner states that the testator has no Class-I legal heirs as his parents, his wife and the only son has pre-deceased the testator. The brothers and sisters of the testator has also pre-deceased him and the petitioner and respondents are their legal heirs and who are also the niece and nephew of the testator, and they are the Class-II and IV legal heirs.

3. The petitioner has been examined as P.W.1. He has produced the death certificate of the testator S.Krishnamurthy, Rajalakshmi (wife of the testator) and Muralidaran (son of the testator) as Exs.P2, P3 and P4. The Original Will and Testament dated 10.07.2020, has been marked as Ex.P1. Despite the Court notice served on respondents one to three, five, ten, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen and nineteen, none has appeared before this Court either through in person or through counsel. The notice served to the respondents four, seven to nine was returned with an acknowledgment stating that “not residing in the said address”. The notices served to the respondents six and eleven were returned with an acknowledgment stating that “gone out of country”, and notice served on twelfth respondent was returned with an acknowledgment stating that “no such person”. Pursuant to the notice served on the above stated respondents,



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any objections have not been received from the respondents herein or from any other persons.

4. One Mr.G.Chandrashekar, who is the first attesting witness to the said Will has been examined as P.W.2. He has spoken about the execution of the Will by the testator and its attestation by himself and Dr.Priya Ravi.

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 10.07.2020.

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Index :Yes/No

Speaking: Yes/ No

Neutral Citation: Yes/No



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Petitioner's witness:

P.W.1 – G.Venkatesan

P.W.2 —Mr.G.Chandrashekar

Documents exhibited by the petitioner:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Original unregistered Will dated 10.07.2020 executed by Mr.S.Krishnamurthy
Ex.P2	Computer generated death certificate of Mr.S.Krishnamurthy
Ex.P3	Computer generated death certificate of Mrs.Rajalakshmi
Ex.P4	Computer generated death certificate of Mr.Muralidaran
Ex.P5	Affidavit of assets showing that the net value of estate as Rs.40,00,000/-
Ex.P6	Affidavit of PW-2/first attesting witness

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