



WEB COPY



O.P.No.511 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.06.2023

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

O.P.No.511 of 2020

S.Kalyanaraman

... Petitioner

Vs.

R.Rajkumar

... Respondent

Prayer: Original Petition filed for grant of Probate for the Will annexed under Section 222 and 276 of Indian Succession Act, XXXIX of 1925 r/w Order XXV Rule 4 of Original Side Rules, 1956 petitioner prays that he may be allowed to prove the Will dated 12.02.2020 of the deceased Late K.N.Jayaraman in common form and that probate thereof.

For Petitioner : Mr. Saravana Prakash S

For Respondent : No Appearance

ORDER

This Original Petition has been filed for issuance of probate for the last Will and testament dated 12.02.2020, executed by Late K.N.Jayaraman, who died on 28.04.2020. The petitioner is the close friend of the testator, and the respondent is a social worker, who is known to the testator when he was working in TTK Healthcare Ltd. The petitioner is appointed as the executor under the Will. The respondent is the beneficiary under the Will. The respondent has filed his consent affidavit expressing his consent for grant of probate.



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2. The petitioner states that the testator remained unmarried till his death, and the parents of the testator has also pre-deceased him. The testator had a sister namely, K.N.Lalitha, who pre-deceased the testator on 24.01.2020, and she also died as a spinster. The testator has no other Class-I legal heir.

3. The petitioner has been examined as P.W.1. He has produced the death certificates of the testator K.N.Jayaraman and K.N.Lalitha, as Exs.P2 and P3. The Original unregistered Will and Testament dated 12.02.2020, has been marked as Ex.P1. The consent affidavit of the respondent has been marked as Exs.P14.

4. One Mrs.R.Usha, 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 testator and its attestation by herself and the first attesting witness Ramu.

5. In view of the said evidence, the execution of the Will stands proved. Hence, the Original Petition is allowed by granting probate for the last will and testament dated 12.02.2020.

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Index :Yes/No

<https://www.mhc.tn.gov.in/judis>



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Internet: Yes/ No

Petitioner's witness:

P.W.1 – Mr.S.Kalyanaraman

P.W.2 – Mrs.R.Usha

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Original unregistered Will dated 12.02.2020 executed by K.N.Jayaraman
Ex.P2	The computer generated death certificate of K.N.Jayaraman
Ex.P3	The computer generated death certificate of K.N.Lalitha
Ex.P4	Certified copy of the Sale deed dated 15.10.1990
Ex.P5	Online guideline value of the property
Ex.P6	Photocopy of the Aadhaar card of Jayaraman
Ex.P7	(series 3 Nos.) photocopies of the fixed deposit receipts of the TamilNadu State Apex Co-Operative Bank Limited, Chennai standing in the names of K.N.Jayaraman and R.Rajkumar
Ex.P8	Photocopy of the bank account passbook bearing account No.236013750 issued by the Tamilnadu State Apex Co-Operative Bank Limited, Chennai standing in the names of K.N.Jayaraman and R.Rajkumar
Ex.P9	Photocopy of the certificate dated 13.02.2020 issued by Dr.J.Balasubramaniam with regard to the attestation of the left thumb impression of Mr.K.N.Jayaraman
Ex.P10	Photocopy of petitioner's Aadhaar card
Ex.P11	Photocopy of the Aadhaar card of M.Ramu
Ex.P12	Photocopy of the Aadhaar card of R.Usha
Ex.P13	The computer generated encumbrance certificate of the



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<i>Exhibits</i>	<i>Documents</i>
	property for the period 01.01.1990 to 13.07.2020
Ex.P14	Consent affidavit given by the respondent
Ex.P15	Affidavit of assets showing the net value of the estate as Rs.28,50,000/-
Ex.P16	Proof affidavit of the second attesting witness

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