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O.P.No.419 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **26.09.2023**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

O.P.No.419 of 2022

Sushilee Ranganathan

... Petitioner

Vs.

1.Sundari Ranganathan

2.Karthik Ranganathan

... Respondents

PRAYER : Original Petition is filed under Sections 222 & 276 of the Indian Succession Act XXXIX 1925 r/w. Order XXV, Rule 4 of Original Side Rules, 1956, seeking to allow the petitioner to prove the Will in common form and that probate thereof to have effect throughout the whole of India.

For Petitioner : Mr.Siddarth Bahety

ORDER

This Original Petition has been filed for issuance of Probate for the last Will and testament dated 20.11.2020 executed by Late K.Ranganathan who died on 19.01.2021.



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2. The averments in the petition are as follows:-

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The petition mentioned property was originally belonged to one K.Ranganathan who is the husband of the first respondent and the father of the petitioner and the second respondent. The said K.Ranganathan died on 19.01.2021 leaving behind the petitioner and the respondents as his legal heirs. During his life time, K.Ranganathan has executed a Will dated 20.11.2020 and created a life interest in favour of his wife, the first respondent herein in respect of the petition mentioned property and after the life time of the first respondent, the absolute interest should be obtained by the petitioner. Since K.Ranganathan died on 19.01.2021 and the Will has come into effect, the petitioner had filed this Petition seeking Probate.

3. The petitioner examined herself as P.W.1 and Exhibits P1 to P9 have been marked.

4. From Ex.P1 death certificate of K.Ranganathan, it is seen that Ranganathan died on 19.01.2021. From Ex.P2 legal heir certificate, it is seen that the petitioner and the respondents are the only surviving legal heirs of late K.Ranganathan. The Will dated 20.11.2020 is marked as Ex.P3 and it appears from the Will that the first respondent was given with life



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interest and after her life time, the petitioner has to get the absolute enjoyment of the petition mentioned property. The mother of the petitioner who is the first respondent herein had given her consent for giving Probate in favour of the petitioner which is marked as Ex.P7. Even though the second respondent is disinherited in the Will, he has not raised any objection after receiving notice.

5. One of the attestors of the Will Mr.R.Ramalingam has been examined as P.W.2. In his evidence he has stated that he was present when K.Ranganathan executed the Will at his house. The testator had signed the Will in his presence and in the presence of A.Mohanraj who is the second attesting witness of the Will. At the request of the testator, himself and A.Mohanraj had signed the Will as the attesting witnesses. He further stated that K.Ranganathan was in a sound disposing state of mind at the time when the Will was executed.

6. The evidence of PW.1 and PW.2 and the documents available on record would show that the Will has been executed as per the terms of Section 63(c) of the Indian Succession Act and its genuineness has been proved in accordance with Section 68 of the Indian Evidence Act, 1872.



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Since the petitioner has proved the genuineness of the Will through which she had been appointed as executor, the relief sought shall be granted.

7. In the result, the Original Petition is allowed by granting a probate of the last Will and Testament dated 20.11.2020 of late K.Ranganathan, the testator, to the petitioner to have effect throughout the whole of India.

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Index:Yes/No
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APPENDIX

Petitioner's witnesses:

P.W.1 – Ms.Sushilee Ranganathan

P.W.2 – Mr.R.Ramalingam

Documents marked:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	the computer generated death certificate of K.Ranganathan.
Ex.P2	the computer generated legal heir certificate of K.Ranganathan.
Ex.P3	the original Will dated 20.11.2020 executed by K.Ranganathan.
Ex.P4	the photocopy of the settlement deed dated 12.09.2018 executed by K.Ranganathan in favour of Mrs.Sundari Ranganathan, the first respondent herein.
Ex.P5	the photocopy of the lease deed dated 21.08.2020 entered into between K.Ranganathan Krishnaswamy and M.S.Raghu.
Ex.P6	the photocopy of the lease agreement dated 16.02.2021 entered into between Mrs.Sundari Ranganathan and Mr.Neeraj Kothari.
Ex.P7	the consent affidavit of Mrs.Sundari Ranganathan, the first respondent herein.
Ex.P8	the affidavit of assets showing the net value of estate as Rs.2,00,30,122/-.
Ex.P9	the affidavit of one of the attesting witnesses.

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