



WEB COPY



O.P.No.475 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:20.04.2023

CORAM

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**
O.P.No.475 of 2022

Geetha Kalyani Viswakumar

... Petitioner

Vs

1.C.M.Vijayalakshmi
2.S.Radha Lakshmi
3.V.Anand

... 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.

For Petitioner : Ms.D.Veda

For Respondents : Ms.J.Sathyavathi

ORDER

This Original Petition has been filed for issuance of probate for the last Will and testament dated 04.05.2021 executed by Late Meenakshi Chellappa, who died on 12.04.2022. The first petitioner is the friend of the testatrix, and appointed as the executrix under the said Will. The first



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respondent is the sister in-law, second respondent is the niece and the third respondent is the nephew of the testatrix. The respondents are the beneficiaries under the Will. The respondents have filed their consent affidavits expressing their consent for grant of probate.

2. The petitioners submits that the testatrix has herself stated in the Will that she was married to one Chellappa, but was driven out of the marital home within one week. The said Chellappa died on 23.06.1991, and they have no issues out of the wedlock.

3. The petitioner has been examined as P.W.1. She has produced the death certificate of the testatrix Meenakshi Chellappa, as Ex.P2. The Original Will and Testament dated 04.05.2021, has been marked as Ex.P1. The said consent affidavits of the respondents have been marked as Exs.P8 to P10.

4. One M.Kumar, who is one of the attesting witnesses to the said Will has been examined as P.W.2. He has spoken about the execution of the Will by the testatrix and its attestation by himself and Mr.K.Viswakumar.



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Index :Yes/No

Speaking: Yes/ No

Neutral Citation: Yes/ No

Petitioner's witness:

P.W.1 – Mrs.Geetha Kalyani Viswakumar

P.W.2 – Mr.M.Kumar

Documents exhibited by the petitioner:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Original Will executed by Meenakshi Chellappa on 04.05.2021
Ex.P2	Computer generated death certificate of Meenakshi Chellappa
Ex.P3	Photocopy of the Sale Deed dated 20.06.1996 in favour of Meenakshi Chellappa
Ex.P4	Photocopy of the statement of account issued by Union Bank of India for the period 01.04.2021 to 09.05.2022 in respect of account held by Meenakshi Chellappa in Customer I.D. No.06900603
Ex.P5	Photocopy of the savings bank account pass book bearing



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<i>Exhibits</i>	<i>Documents</i>
	Account No.036010011055280 held by Meenakshi Chellappa in Andhra Bank, Mylapore
Ex.P6	Photocopy of the savings bank account pass book bearing Account No.0430301000004842 held by Meenakshi Chellappa in Lakshmi Vilas Bank, Mylapore
Ex.P7	Photocopy of the savings bank account pass book bearing Account No.456992201 held by Meenakshi Chellappa in Indian Bank, Mylapore
Ex.P8	Consent affidavit of 1 st respondent
Ex.P9	Consent affidavit of 2 nd respondent
Ex.P10	Consent affidavit of 3 rd respondent
Ex.P11	Affidavit of assets showing the net value of the estate has Rs.5,98,91,163/-
Ex.P12	Affidavit of the attesting witness PW2

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