



WEB COPY



O.P.No.598 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **14.08.2023**

CORAM

THE HONOURABLE Ms.JUSTICE **R.N.MANJULA**

O.P.No.598 of 2022

K.Venkatraman

... Petitioner

Vs.

1. Mr.Krishna Rajendran Jayanthilal

2. Mrs.Gowthami

... Respondents

PRAYER: Original Petition filed for Probate under Sections 222 and 276 of the Indian Succession Act, 1925 and XXXIX of 1925 r/w Order XXV Rule 4 of the Original Side Rules, praying the petitioner may be allowed to prove the Will in common form and that Probate thereof having effect limited to the State of Tamil Nadu may be granted to the petitioner.

For Petitioner : Mr.T.K.Ramkumar
for M/s.Ram & Rajan Associates.

ORDER

This Original Petition has been filed for issuance of Probate for the last Will and Testament dated 12.01.2022 executed by Late N.K.Janakiram, who died on 26.04.2022.

2. The petition mentioned properties are said to be owned by one



O.P.No.598 of 2022

J.Dharani Devi, who is the wife of the testator by name N.K.Janakiram. It was the self acquired property by virtue of a Sale Deed dated 10.05.1999. The said J.Dharani Devi died on 23.01.2016 by leaving behind her husband alone as her legal heir. The couple did not have any children of their own. N.K.Janakiram died on 26.04.2022. During his lifetime, he executed a Will dated 12.01.2022 by bequeathing the schedule property in favour of the first respondent, who is the nephew of late N.K.Janakiram. The petitioner has been appointed as the executor of the Will. The 2nd respondent is the sister of the 1st respondent and she had received notice and did not raise any objection. Since the Will has come into force after the death of late N.K.Janakiram, this petition has been filed for seeking Probate.

3. The petitioner, who is the executor examined himself as PW.1 and the following documents were marked:-

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Photocopy of the death certificate of Mrs.J.Dharani Devi (Compared with the original)
Ex.P2	Photocopy of the Legal Heirship certificate of Mrs.J.Dharani Devi (Compared with the original).
Ex.P3	Original Will dated 12.01.2022 executed by Mr.N.K.Janakiram.
Ex.P4	Computer generated death certificates of Mr.N.K.Janakiram
Ex.P5	Photocopy of the Sale Deed dated 10.05.1983 executed in favour of Mrs.J.Dharani Devi. (Compared with the original)



O.P.No.598 of 2022

<i>Exhibits</i>	<i>Documents</i>
Ex.P6	Downloaded cop of the property tax receipt dated 11.04.2023 standing in the name Mr.N.K.Janakiram
Ex.P7	Affidavit of assets showing the Net value of the property as Rs.1,09,25,823.46/-.
Ex.P8	Consent affidavit given by the 1 st respondent herein.
Ex.P9	Copy of paper publication effected in one issue of Tamil daily "Tamil Murasu" dated 10.07.2023.
Ex.P10	Copy of paper publication effected in one issue of English daily "Trinity Mirror" dated 17.07.2023.

4. News paper publications effected. No objectors.

5. The Will of the testator is marked as Ex.P3; the death certificate of the testator is marked as Ex.P4; the legal heir certificate of the deceased is produced as Ex.P2.

6. One of the attesting witnesses of the Will by name Y.Naren Kumar has been examined as PW.2. He has stated in his evidence that the testator N.K.Janakiram was the friend's uncle of PW2 and at the time of execution of the Will-Ex.P3, he was called by the testator and he was present along with one S.Natarajan. He has further stated that the testator signed the Will in the presence of the attestors and the testator was in a sound disposing state of mind at the time when the Will was executed.

7. The evidences of PW.1 and PW.2 and the documents available on



O.P.No.598 of 2022

WEB COPY

record would show that the Will has been executed as per the terms of Sec.63(3) of the Indian Succession Act. With the evidence of the attestors, the execution of the Will has also been proved in accordance with Sec.68 of the Indian Evidence Act, 1872. The respondents 1 and 2 have given consent to grant Probate in the name of the petitioner. Since the petitioner proved the genuineness of the Will in which he had been appointed as executor of the Will, the relief sought shall be granted.

8. In the result, the Original Petition is allowed by granting a Probate of the last Will and Testament dated 12.01.2022 of late N.K.Janakiram, the testator to the petitioner to have effect limited to the State of Tamil Nadu.

14.08.2023

Index :Yes/No

Speaking Order: Yes/No

kmi



WEB COPY



O.P.No.598 of 2022

R.N.MANJULA, J

kmi

O.P.No.598 of 2022

14.08.2023