



O.P.No.763 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.03.2023

CORAM

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**
O.P.No.763 of 2021

K.Jayaraman

... Petitioner

Vs

1.N.Lakshmi

2.N.Rajesh

3.Malathi Kalyana Sundaram

4.K.Sriram

5.Pushpa Suresh

6.Srividhya Narayan

7.K.Nagarajan

8.K.Jayalakshmi

... 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 : Mr.S.Satish Rajan

For Respondents : Mr.P.Anish Vijay



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ORDER

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This Original Petition has been filed for issuance of probate for the last Will and testament dated 12.12.2003 executed by Late M.V.Krishnamoorthy, who died on 26.02.2014. The petitioner is the son, respondents 7 and 8 are the son and daughter, respondents 1 and 2 are the daughter in-law and grandson, who are also the wife and son of respondent 7, respondents 3 to 6 are the legal heirs of the pre-deceased daughter (Gnanam Murthy) and the grandchildren of the testator. The petitioner has been appointed as an executor under the Will. The respondents 1 to 8 have filed their consent affidavits expressing their consent for grant of probate.

2. The petitioner has been examined as P.W.1. He has produced the the death certificate of the testator M.V.Krishnamoorthy, as Ex.P4, the Original registered Will and Testament dated 12.12.2003, has been produced as Ex.P3, and the legal heirship certificate of the testator M.V.Krishnamoorthy, as Ex.P6. A perusal of Ex.P6 shows that the petitioner and the respondents 7 and 8, and Late Gnanam Murthy are the only legal heirs of the testator M.V.Krishnamoorthy.



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3. One K.Ravindranath, 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 testator and its attestation by himself and Mr.V.Athmanathan. The consent affidavits of the respondents 1 to 8 have been marked as Exs. P8 to P15.

4. In view of the said evidence, the execution of the Will stands proved. Hence, the Original Petition is allowed granting probate for the last will and testament dated 12.12.2003.

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Index :Yes/No

Speaking: Yes/ No

Neutral Citation: Yes/No

Petitioner's witness:

P.W.1 —Mr.K.Jayaraman

P.W.2 - Mr.K.Ravindranath

Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Photocopy of the Sale Deed dated 06.03.1995
Ex.P2	Photocopy of the Sale Deed dated 13.05.1994
Ex.P3	Original Will dated 12.12.2003 executed by Mr.M.V.Krishna Moorthy
Ex.P4	Computer generated death certificate of Mr.M.V.Krishna Moorthy



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<i>Exhibits</i>	<i>Documents</i>
Ex.P5	Computer generated death certificate of Mr.Gnanam Murthy
Ex.P6	Computer generated legal heirship certificate of Mr.M.V.Krishna Moorthy
Ex.P7	Computer generated death certificate of Mr.K.R.Krishna Moorthy
Ex.P8	Consent affidavit given by the 1 st respondent
Ex.P9	Consent affidavit given by the 2 nd respondent
Ex.P10	Consent affidavit given by the 3 rd respondent
Ex.P11	Consent affidavit given by the 4 th respondent
Ex.P12	Consent affidavit given by the 5 th respondent
Ex.P13	Consent affidavit given by the 6 th respondent
Ex.P14	Consent affidavit given by the 7 th respondent
Ex.P15	Consent affidavit given by the 8 th respondent
Ex.P16	Affidavit of assets showing the net value of the estate as Rs.52,26,606/-
Ex.P17	Affidavit of the attesting witness K.Ravindranath

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