



WEB COPY



O.P.No.793 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:25.04.2023

CORAM

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**
O.P.No.793 of 2022

S.Kannan

... Petitioner

Vs

1.A.Lalitha

2.K.Niveditha

3.N.Swaminathan

4.N.Sriram

... 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.R.Sugumaran

For Respondents : Mr.Y.Prakash

ORDER

This Original Petition has been filed for issuance of probate for the last Will and testament dated 24.11.2019 executed by Late S.Rajalakshmi, who died on 03.02.2020. The petitioner is the brother of the testatrix. The first respondent is the daughter of the late S.Agoram (brother of the testatrix), the second respondent is the daughter of the petitioner, and the



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third and fourth respondents are the sons of S.Natarajan (brother of the testatrix). The petitioner is appointed as the executor under the Will. The respondents have filed their consent affidavits expressing their consent for grant of probate.

2. The petitioners submits that the testatrix was married to one J.Srinivasan and he pre-deceased her, and out of the wedlock they have no issues. The petitioner has been examined as P.W.1. He has produced the death certificate of the testatrix S.Rajalakshmi and J.Srinivasan, as Exs.P4 and P2. The Original Will and Testament dated 24.11.2019, has been marked as Ex.P1. The legal heirship certificate of the testatrix's husband is produced as Ex.P3. A perusal of Ex.P3 shows that the testatrix is the only legal heir of her late husband J.Srinivasan, as such they have no Class-I legal heirs. The said consent affidavits of the respondents has been marked as Exs.P5 to P8.

3. One Mrs.Sreemathi, who is the first attesting witness to the said Will has been examined as P.W.2. She has spoken about the execution of the Will by the testatrix and its attestation by herself and Mrs.P.V.Vinitha.



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4. 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 24.11.2019.

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Index :Yes/No

Speaking: Yes/ No

Neutral Citation: Yes/ No

Petitioner's witness:

P.W.1 – Mr.S.Kannan

P.W.2 – Mr.Ravikumar

Documents exhibited by the petitioner:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Original Will dated 24.11.2019 executed by S.Rajalakshmi
Ex.P2	Computer generated death certificate of J.Srinivasan
Ex.P3	Original legal heirship certificate of Srinivasan
Ex.P4	Computer generated death certificate of S.Rajalakshmi
Ex.P5	Consent affidavit given by the 1 st respondent
Ex.P6	Consent affidavit given by the 2 nd respondent
Ex.P7	Consent affidavit given by the 3 rd respondent
Ex.P8	Consent affidavit given by the 4 th respondent
Ex.P9	Affidavit of assets showing the net value of the estate as Rs.15,00,000/-
Ex.P10	Affidavit of the 1 st attesting witness PW2

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