



WEB COPY



O.P.No.306 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.09.2023

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

O.P.No.306 of 2023

Uma Mani

... Petitioner

Vs.

1.Ramakrishna Mission Ashram,
No.3, Maharajapuram Santhanam Salai,
T.Nagar,
Chennai - 600 017.

2.Sri Ramakrishna Math,
No.31, Ramakrishna Math Road,
Mylapore,
Chennai - 600 004.

3.Sankara Nethralaya
owned and operated by
Medical Research Foundation
New No.41, Old No.18, College Road,
Chennai - 600 006.

... 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 State of Tamil Nadu.

For Petitioner : Mr.S.Raja Ravi Varma

For Respondents : Mr.V.Srikanth for R2



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ORDER

WEB COPY This Original Petition has been filed for issuance of Probate for the last Will and testament dated 25.01.2019 executed by Late Vani Jairam who died on 04.02.2023.

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

The petition mentioned properties were the self acquired properties of Mrs.Vani Jairam. She died on 04.02.2023 and her husband Mr.T.S.Jayaraman predeceased her on 24.09.2018. During her life time, she executed a Will dated 25.01.2019 and bequeathed her movable and immovable properties to various persons including the respondents. The present petition has been filed only in respect of 'B' Schedule Property stated in the Will. Even though an arrangement has been made in respect of 'A' schedule property by bequeathing the same in favour of her sister Uma Mani, it is learnt that the testatrix herself has sold the 'A' Schedule property during her life time. In respect of the 'B' schedule property, she had made arrangements that the property should be sold by the executor and the sale proceeds of the said property should be equally divided between the respondents / Charitable Trusts. The petitioner who is the executor appointed in the Will has filed this Original Petition seeking Probate for the purpose of fulfilling the wishes of the deceased testatrix.



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WEB COPY 3. The petitioner examined herself as P.W.1 and Exhibits P1 to P8 were marked.

4. The Will dated 25.01.2019 has been marked as Ex.P3. The death certificate and legal heir certificate of Mr.T.S.Jayaraman were marked as Ex.P4 and Ex.P5 respectively. The death certificate of Vani Jairam was marked as Ex.P6 which shows that she died on 04.02.2023. Since Vani Jairam and T.S.Jayaraman did not have any issues out of their wedlock, there is no surviving first class legal heirs. It is seen that the petitioner is the sister of the testatrix and she has been appointed as the executor of the Will.

5. One of the attestors of the Will Mr.S.Magesh has been examined as P.W.2. He has stated in his evidence that he knew the testatrix and he was present along with Mr.S.Lakshmi Narasimhan at the time when the Will dated 25.01.2019 was executed by late Vani Jairam. The testatrix signed the Will in the presence of Mr.S.Magesh and Mr.S.Lakshmi Narasimhan. He also stated that the testatrix was in a sound and disposing state of mind at the time of the execution of the Will.



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

7. In the result, the Original Petition is allowed by granting a probate of the last Will and Testament dated 25.01.2019 of late Mrs.Vani Jairam, the testatrix, to the petitioner to have effect limited to the State of Tamilnadu.

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Index:Yes/No

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APPENDIX

Petitioner's witnesses:

P.W.1 – Mrs.Uma Mani

P.W.2 – Mr.S.Magesh

Documents marked:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	The photocopy of the sale deed dated 23.03.1999 in favour of M/s.Bani Music Company represented by its Sole Proprietrix Ms.Vani Jairam.
Ex.P2	The photocopy of the construction agreement dated 26.02.1999 between M/s.Bani Music Company represented by its Sole Proprietrix Mrs.Vani Jairam as the first party and M/s.Ceebros Property Development Private Limited as the second party.
Ex.P3	The original Will dated 25.01.2019 executed by Mrs.Vani Jairam.
Ex.P4	The computer generated death certificate of Mr.T.S.Jayaraman.
Ex.P5	The computer generated legal heir certificate of Mr.T.S.Jayaraman.
Ex.P6	The computer generated death certificate of Mrs.Vani Jairam.
Ex.P7	The photocopy of Aadhaar Card of Mrs.Uma Mani.
Ex.P8	The affidavit of assets showing the net value of estate as Rs.1,40,00,000/-.

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