



WEB COPY



O.P.No.529 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2023

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

O.P.No.529 of 2022

A.V.Sivaramakrishnan

... Petitioner

Vs

1.Vijayalakshmi Mahadevan

2.Kamakshi Mangesh

3.Krishna Prasad

4.Kamala Ravikumar

... 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.A.Lawrence

For Respondents : Mr.R.Subramani
for Mr.K.P.P.Raja Raja Chozhan

ORDER

This Original Petition has been filed for issuance of Probate for the last will and testament dated 18.11.1998 executed by Late A.K.Venkataraman, who died on 07.04.2019.

2.The petitioner is the son of the deceased and he has been appointed



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as an executor under the Will and the three daughters and another son of the deceased are the respondents 1 to 4. The respondents 1 to 4 have also filed their consent affidavits expressing their consent for grant of probate.

3. The petitioner has been examined as P.W.1. He has produced the death certificate of the V.Annapoorani (wife of the deceased) as Ex.P2. The death certificate of the deceased A.K.Venkataraman, as Ex.P3, and the legal heirship certificate of the deceased A.K.Venkataraman, as Ex.P4, and the Original last Will and Testament dated 18.11.1998 has been produced as Ex.P1. A perusal of Ex.P4 shows that the petitioner and the respondents are the only legal heirs of the deceased A.K.Venkataraman.

4. One Kannan, 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.C.V.Subramanian. The consent affidavits of the respondents have been marked as Exs. P7 to R10.

5. In view of the said evidence, the execution of the Will stands proved. Hence, the Original Petition is allowed granting probate for the last



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Will and testament dated 18.11.1998.

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Index :Yes/No

Petitioner's witness:

P.W.1 – Mr.A.V.Sivaramakrishnan

P.W.2 - Mr.S.Kannan

Documents exhibited by the petitioner:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Original Will dated 18.11.1998 executed by A.K.Venkataraman
Ex.P2	Death certificate of V.Annapoorani
Ex.P3	Death certificate of A.K.Venkataraman
Ex.P4	Legal heirship certificate of A.K.Venkataraman
Ex.P5	Photocopy of the Sale Deed dated 20.01.1983
Ex.P6	Affidavit of assets showing the net value of the estate as Rs.19,80,000/-
Ex.P7	Consent affidavit given by the 1 st respondent
Ex.P8	Consent affidavit given by the 2 nd respondent
Ex.P9	Consent affidavit given by the 3 rd respondent
Ex.P10	Consent affidavit given by the 4 th respondent

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K.KUMARESH BABU,J.

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