



WEB COPY



O.P.No.530 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:28.04.2023

CORAM

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**
O.P.No.530 of 2022

Mahadevan

... Petitioner

Vs

- 1.Vijayalakshmi Mahadevan
- 2.Sivaramakrishnan A.V.
- 3.Kamakshi Mangesh
- 4.Krishna Prasad V
- 5.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 : No appearance

ORDER

This Original Petition has been filed for issuance of probate for the last Will and testament dated 18.11.1998 executed by Late V.Annapoorni, who died on 27.08.2012. The petitioner is the son in-law and the first, third and fifth respondents are the daughters and the second and fourth



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respondents are the sons of the testatrix. The petitioner has been appointed as an executor under the Will. The first respondent is the sole beneficiary under the Will.

2. The petitioner has been examined as P.W.1. He has produced the death certificates of the testatrix V.Annapoorni and A.K.Venkatraman (husband of the testatrix) as Exs.P2 and P3. The Original registered Will and Testament dated 18.11.1998, has been produced as Ex.P1. The legal heirship certificate of the testatrix as Ex.P13. A perusal of Ex.P13 shows that the respondents are the only Class-I legal heir of the testatrix V.Annapoorni. The respondents one to five have given their consent affidavits for the grant of probate to the petitioner and the same is marked as Exs.P7 to Ex.P11.

3. One Mr.S.Kannan, who is the first attesting witness to the Will was examined as P.W.2. He has spoken about the execution of the Will by the testatrix and its attestation by himself and Mr.C.V.Subramanian.

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 18.11.1998.



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Index : Yes/No

Speaking: Yes/ No

Neutral Citation: Yes/ No

Petitioner's witness:

P.W.1 – Mr.Mahadevan

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 Mrs.V.Annapoorni
Ex.P2	Computer generated death certificate of Mrs.V.Annapoorni
Ex.P3	Computer generated death certificate of A.Venkatraman
Ex.P4	Computer generated legal heirship certificate of A.K.Venkatraman
Ex.P5	Photocopy of the Partition Deed dated 28.01.1983
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
Ex.P11	Consent affidavit given by the 5 th respondent
Ex.P12	Affidavit of the 1 st attesting witness PW2
Ex.P13	Computer generated legal heirship certificate of V.Annapoorani

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