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O.P.No. 259 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **25.09.2023**

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

O.P.No. 259 of 2023

P.V.Ravi Kumar

...

Petitioner

Vs.

1. P.Uma Rani
2. P.Ravindra
3. P.Venkata Ramana
4. J.Anuradha

... Respondents

Original Petition is filed under Sections 222 and 276 of the Indian Succession Act read with Order XXV Rule 4 of the Original Side Rules, prays to prove the Will in common form, and grant probate thereof to the petitioner, to have effect throughout the State of Tamil Nadu.

For Petitioner : Mr.M.Selvaraju

For Respondents : No appearance

ORDER



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This Original Petition has been filed for issuance of Probate for the last Will and testament dated 09.11.2012 executed by Late P.Lakshminarayana.

2. The petition mentioned property originally belonged to one P.Lakshminarayana who is the husband of the first respondent and father of the respondents 2 to 4. The said P.Lakshminarayana died on 23.10.2017 leaving behind the respondents as his legal heirs. During his lifetime, P.Lakshminarayana had executed a registered Will dated 09.11.2012. Since the Will came into effect after the demise of P.Lakshminarayana, the executor of the Will who is the petitioner herein had filed this petition seeking probate.

3. The petitioner was examined as P.W.1 and Exs.P1 to P7 were marked.

4. The original Will dated 09.11.2012 is marked as Ex.P1. As per the recitals of the Will, the petition mentioned property was bequeathed in favour of the second respondent and the petitioner has been appointed as executor of the same. Though it is written in the Will that the other movable



and immovable assets which might have been omitted to be mentioned in the Will should be acquired jointly by the two sons, the respondents 2 and 3, there is no such property seen to have been included in the schedule, other than the one which is mentioned in the Will. The consent affidavits given by R1 to R3 have been marked as P4 to P6. Even though the fourth respondent did not give any consent, she did not contest the matter after receiving notice.

5. Both the attesting witnesses by name Varalakshmi and Kumar were examined as P.W.2 and P.W.3 and they have stated in their evidence that the Will has been executed by P.Lakshminarayana in their presence and he had seen the testator affixing his signature in the Will. He further stated that the testator was found to be in a sound and disposing state of mind at the time the Will was executed.

6. The evidences of P.W.1, P.W.2 & P.W.3 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 Successions Act and the same has been proved in terms of Section 68 of the Indian Evidence Act. Since the petitioner as the executor had proved the genuineness of the Will with all



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the relevant documents, the relief sought shall be granted.

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7. In the result, the Original Petition is allowed by granting probate of the last Will and Testament dated 09.11.2012 of late P.Lakshminarayana, to the petitioner to have effect limited throughout the State of Tamil Nadu.

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APPENDIX

Witnessed examined:

P.W.1 – P.V.Ravi Kumar

P.W.2 – M.Varalakshmi

P.W.3 – P.Kumar

Documents marked:

<i>Exhibits</i>	<i>Documents</i>
P1	Original Will dated 09.11.2012
P2	Death certificate of P.L.Narayana
P3	Legal heirship certificate of Narayana
P4	Consent affidavit of first respondent
P5	Consent affidavit of second respondent
P6	Consent affidavit of third respondent
P7	Affidavit of assets

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