



O.P.No.614 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:28.04.2023

CORAM

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**  
**O.P.No.614 of 2021**

J.Kasthuri

... Petitioner

Vs

1.A.Mohanapriya  
2.J.Vijayabhaskar  
3.S.Ananda Kumar

... 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.S.Indrajith

For Respondents : No appearance

**ORDER**

This Original Petition has been filed for issuance of probate for the last Will and testament dated 23.05.1997 executed by Late W.N.Ramalingam, who died on 18.04.2004. The petitioner is the daughter, the first respondent is the granddaughter, who is also the daughter of the



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deceased daughter A.Suryakumari @ Surya, the third respondent is the father of the first respondent and his whereabouts is not known from 24.04.1997 and the second respondent is the grandson of the testator, who is also the son of the petitioner herein. The petitioner has been appointed as an sole executrix under the Will. The first and second respondents are the beneficiaries under the Will.

2. The second respondent has been examined as P.W.2. He has produced the the death certificates of the testator W.N.Ramalingam, R.Lakshmikantham (wife of the testator), A.Suriya (daughter of the testator) as Exs.P3, P4 and P5. The Original Will and Testament dated 23.05.1997, has been produced as Ex.P1, and the legal heirship certificate of the testator is produced, as Ex.P10. A perusal of Ex.P10 shows that the petitioner and the deceased daughter A.Suriya are the only legal heirs of the testator. The first and second respondents have given their consent affidavits for grant of probate to the petitioner and the same is marked as Exs.P8 and P9. A paper publication that has been made and any objections have not been received.

3. One Mr.Prabhakar, who is the first attesting witness to the Will was examined as P.W.1. He has spoken about the execution of the Will by



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the testator and its attestation by himself and Mr.R.Joseph Sundararaj.

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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 23.05.1997.

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Index :Yes/No

Speaking: Yes/ No

Neutral Citation: Yes/ No

**Petitioner's witness:**

P.W.1 – Mr.R.Prabhakar

P.W.2 – Mr.J.Vijayabhaskar

**Documents exhibited by the petitioner:**

| <i><b>Exhibits</b></i> | <i><b>Documents</b></i>                                   |
|------------------------|-----------------------------------------------------------|
| Ex.P1                  | Original Will dated 23.05.1997 executed by W.N.Ramalingam |
| Ex.P2                  | Affidavit of the attesting witness PW1                    |
| Ex.P3                  | Computer generated death certificate of W.N.Ramalingam    |
| Ex.P4                  | Computer generated death certificate of R.Lakshmikantham  |
| Ex.P5                  | Computer generated death certificate of A.Suriya          |



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| <i><b>Exhibits</b></i> | <i><b>Documents</b></i>                                                             |
|------------------------|-------------------------------------------------------------------------------------|
| Ex.P6                  | Photocopy of the Conveyance Deed dated 27.04.1968 in favour of W.N.Ramalingam       |
| Ex.P7                  | Affidavit of assets showing the net value of the estate as Rs.60,00,000/-           |
| Ex.P8                  | Consent affidavit given by the 1 <sup>st</sup> respondent                           |
| Ex.P9                  | Consent affidavit of PW2                                                            |
| Ex.P10                 | Photocopy of the legal heir certificate of Mr.W.N.Ramalingam                        |
| Ex.P11                 | Computer generated copy of the birth certificate of A.Mohana Priya                  |
| Ex.P12                 | Photocopy of the property tax demand card standing in the name of Mr.W.N.Ramalingam |
| Ex.P13                 | Photocopy of the patta standing in the name of Mr.W.N.Ramalingam                    |

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