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O.P.No.608 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.06.2023

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

O.P.No.608 of 2022

1.N.Hari Bhaskar
2.Sudhir Shankar Vasudev Rajan
3.Dr.Kandaswaminandakumar

... Petitioners

Vs.

1.Vinitha Jayabal
2.Jayakumar Menon
3.A.Krishnakumar
4.Ranjith Kumar Menon
5.Durgadas Menon
6.N.Sree Vasuda
7.Gopal Arvind
8.Tapati Guha Thakurta
9.Ravi Sankar Vasudevan
10.Dr.Preeti Vaid
11.Narayani Gupta
12.Lalitha Ramachandran
13.Narayani Sobhana Bharathan
14.Meera Jayendran
15.Prabha Sankaranarayanan
16.Sharada Raghuthaman
17.Valsala Radhakrishnan
18.Subhadra Menon

... Respondents

Prayer: Original Petition filed for probate under Section 222 and 276 of Indian Succession Act, 1925 r/w Order XXV Rule 4 of Original Side Rules, petitioners pray to prove the Will in common form and that the Probate thereof.

For Petitioners : Mr. Umesh Rao.K

<https://www.mhc.tn.gov.in/judis>



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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 19.11.2021 executed by Late.M.Sarada menon, who died on 05.12.2021. The first petitioner is the nephew of the testatrix. The respondents 1 to 18, except 3rd respondent, are the legal heirs of the testatrix and her husband. The petitioners are appointed as the executors under the said Will. The first petitioner and the respondents are the beneficiaries named under the Will. The respondents have filed their consent affidavits expressing their consent for grant of probate.

2.On a perusal of the Will dated 19.11.2021, executed by Late M.Sarada Menon, it is evident that, the testatrix, was married to one Shri.Kizhekkepat Sree Kumar I.P.S. (retired) and he died on 21.08.1991, and out of the wedlock they have no issues.

3.The second petitioner has been examined as P.W.1. He has produced the death certificate of the testatrix M.Sarada menon, as Ex.P2. The original unregistered Will and Testament dated 19.11.2021, has been produced as Ex.P1. The consent affidavits of the respondents have been marked as Exs.P9 to P26.

4.One Mrs.Shantha Kamath, who is the first attesting witness to the said Will



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has been examined as P.W.2. She has spoken about the execution of the Will by the testatrix and its attestation by herself and Mr.S.Sanjay.

5.In view of the said facts and evidence, the execution of the Will stands proved. Hence, Original Petition is allowed by granting probate for the last Will and Testament dated 19.11.2021.

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Index :Yes/No

Internet: Yes/ No

Petitioner's witness:

P.W.1 - Sudhir Shankar Vasudev Rajan

P.W.2 – Shantha Kamath

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Original Will dated 19.11.2021 executed by Mamballikalathil Sarada Menon also known as Dr.M.Sarada Menon
Ex.P2	Computer generated death certificate of M.Sarada Menon
Ex.P3	Photo copy of savings account pass book bearing A/C.No.10457420828 held by M.Sarada Menon in State Bank of India Anna Salai Branch
Ex.P4	Computer generated account details of pass book of savings account in SBI, Taylors Road Branch bearing A/C 10094545101 held by Sarada Menon



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<i>Exhibits</i>	<i>Documents</i>
Ex.P5	Computer generated account details of pass book of savings account in SBI, Taylors Road Branch bearing A/C 39599850627 held by Sarada Menon
Ex.P6	Photo copy of the savings account pass book bearing A/C No.57059954661 held by M.Sarada Menon at SBI, Mankada Branch
Ex.P7	Original report given by appraiser for Gold and Silver wares dated 12.08.2022
Ex.P8	Affidavit of assets showing the net value of the estate as Rs.78,82,86,778/-
Ex.P9	Consent affidavit of first respondent
Ex.P10	Consent affidavit of second respondent
Ex.P11	Consent affidavit of third respondent
Ex.P12	Consent affidavit of fourth respondent
Ex.P13	Consent affidavit of fifth respondent
Ex.P14	Consent affidavit of sixth respondent
Ex.P15	Consent affidavit of seventh respondent
Ex.P16	Consent affidavit of eight respondent
Ex.P17	Consent affidavit of ninth respondent
Ex.P18	Consent affidavit of tenth respondent
Ex.P19	Consent affidavit of 11 th respondent
Ex.P20	Consent affidavit of 12 th respondent
Ex.P21	Consent affidavit of 13 th respondent
Ex.P22	Consent affidavit of 14 th respondent
Ex.P23	Consent affidavit of 15 th respondent
Ex.P24	Consent affidavit of 16 th respondent
Ex.P25	Consent affidavit of 17 th respondent
Ex.P26	Consent affidavit of 18 th respondent



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<i>Exhibits</i>	<i>Documents</i>
Ex.P27	Proof affidavit of the first attesting witness

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