



WEB COPY



O.P.No.185 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.185 of 2021

V.Chandrasekar

... Petitioner

Vs

1.V.Anbarasu

2.D.K.V.Aruljothee (deceased)

3.A.Raja Rajeswari

4.D.Parameswari

5.K.A.Karthikeyan

... Respondents

(RR3 to 5 brought on record as Lrs of the deceased
2nd respondent. Amendment carried out as per
order dated 08.04.2022 in Appl.No.365 of 2022
time extended in 08.06.2022)

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.R.Kamaraj

For Respondents : No appearance

ORDER

This Original Petition has been filed for issuance of probate for the last Will and testament dated 19.02.2014 executed by Late V.Sarojini, who died on 29.06.2015. The petitioner and the first and second respondents are



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the sons of late D.K.Vaithiyalingam (brother in-law of the testatrix), second respondent (now deceased), the third to fifth respondents are the legal heirs of the second respondent. The petitioner has been appointed as an executor under the Will. The petitioner along with the first and second respondents are the beneficiaries under the Will.

2. The petitioner submits that the testatrix was married to one D.Venkatesha Mudaliar and out of the wedlock they had no issues. The first petitioner has been examined as P.W.1. He has produced the the death certificate of the testatrix V.Sarojini as Ex.P2. The Original registered Will and Testament dated 19.02.2014, has been produced as Ex.P1. The first respondent was examined as P.W.3 and has given his consent affidavit and the same is marked as Ex.P5. The third to fifth respondents have been examined as R.W.1 to R.W.3, and they had given their consent for grant of probate to the petitioner in their proof affidavit.

3. One Mr.N.Padmanabhan, 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.M.D.Muthuvelu.



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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 19.02.2014.

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Index :Yes/No

Speaking: Yes/ No

Neutral Citation: Yes/ No

Petitioner's witness:

P.W.1 – Mr.V.Chandrasekar

P.W.2 – Mr.N.Padmanabhan

P.W.3 – Mr.V.Anbarasu

Respondents' witness:

R.W.1 – Ms.A.Raja Rajeswari

R.W.2 – Ms.D.Parameswari

R.W.3 – Mr.K.A.Karthikeyan

Documents exhibited by the petitioner:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Original Will and Testament dated 19.02.2014 executed by Mrs.V.Sarojini
Ex.P2	Computer generated death certificate of Mrs.V.Sarojini
Ex.P3	Affidavit of assets showing the net value of the estate as Rs.1,50,00,000/-
Ex.P4	Affidavit of the attesting witness PW2
Ex.P5	Consent affidavit of PW3
Ex.P6	Consent affidavit given by the 1 st respondent



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