



O.P.No. 53 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **08.08.2023**

CORAM

THE HONOURABLE Ms.JUSTICE **R.N.MANJULA**
O.P.No. 53 of 2022

Lakshmi Durai

... Petitioner

Vs.

1. T.Ravichandran @ Ravichandran Thiruvengadam
2. T.Raghunandan @ Raghu Nandan

... Respondents

PRAYER: Original Petition filed for Probate under Sections 222 and 276 of the Indian Succession Act, 1925 and Order XXV Rule 4 of the Original Side Rules, praying the petitioner may be permitted to prove the Will in common form and that Probate thereof to have effect limited to the State of Tamil Nadu may be granted to her.

For Petitioner : Mr.S.Prasath
for M/s.Sarvabhauman Associates.

For Respondents : Ms.M.X.Aboorva



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ORDER

This Original Petition has been filed for issuance of Probate for the last Will and Testament dated 12.06.2011 executed by Late K.V.Thiruvengadam, who died on 03.10.2020.

2. The petition mentioned fixed deposits at Post Office National Savings Scheme stood in the name of her father K.V.Thiruvengadam and matured amount as on the date of application was Rs.22,69,812/-. The father of the petitioner K.V.Thiruvengadam died on 03.10.2020 and the wife of the deceased K.V.Thiruvengadam also pre-deceased him on 20.09.2020. During his lifetime, he executed an unregistered Will dated 12.06.2011 by bequeathing the petition mentioned securities to be enjoyed by his daughter Lakshmi Durai, who is the petitioner herein. Since the Will has come into force after the death of the father of the petitioner, she has filed this petition for seeking probate.

3. The petitioner examined herself as PW.1, one of the attestor to the Will has been examined as PW2 and the following documents were marked:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Computer generated death certificate of Dr.K.V.Thiruvengadam
Ex.P2	Computer generated death certificate of Dr.Malathi Thiruvengadam



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<i>Exhibits</i>	<i>Documents</i>
Ex.P3	The computer generated legal heirship certificate of Dr.K.V.Thiruvengadam
Ex.P4	The computer generated legal heirship certificate of Dr.Malathi Thiruvengadam
Ex.P5	The last original Will dated 12.06.2011 executed by Dr.K.V.Thiruvengadam.
Ex.P6	The photocopy of the post office passbook in National Savings Scheme bearing Account No.40099 held by Dr.K.V.Thiruvengadam at T.Nagar Head Post Office, Madras-600 017. (Compared with the original)
Ex.P7	The affidavit of assets showing the net value of the estate as Rs.22,69,812/-.
Ex.P8	Consent affidavit given by the 1 st respondent herein.
Ex.P9	Consent affidavit given by the 2 nd respondent herein.

4. The unregistered Will of the testator is marked as Ex.P5; the death certificate of the testator is marked as Ex.P1; the legal heir certificate of the deceased is produced as Ex.P3 and that would show that the petitioner is the only legal heir of Dr.K.V.Thiruvengadam.

5. One of the attesting witness of the Will by name Umang B.Patel has been examined as PW.2. He has stated in his evidence that he attested the Will along with one Guddi U.Patel, who is none other than the wife of PW2. He has also stated that himself and other attestor had seen the testator signing the Will in their presence and at the time of execution of the Will, the testator



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was in a sound and disposing state of mind.

6. The evidences of PW.1 and PW.2 and the documents available on record would show that the Will has been executed as per the terms of Sec.63(3) of the Indian Successions Act. With the evidence of the attestors, the execution of the Will has also been proved in accordance with Sec.68 of the Indian Evidence Act-1872. The respondents 1 and 2 have given consent to grant Probate in the name of the petitioner. Since the petitioner proved the genuineness of the Will in which she had been appointed as executor of the Will, the relief sought shall be granted.

7. In the result, the Original Petition is allowed by granting a Probate of the last Will and Testament dated 12.06.2011 of late Dr.K.V.Thiruvengadam, the testator to the petitioner to have effect limited to the State of Tamil Nadu.

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Index :Yes/No

Speaking Order: Yes/No

kmi

R.N.MANJULA, J



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