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O.P.No.652 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:21.04.2023

CORAM

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**
O.P.No.652 of 2022

M.P.Purushotham

... Petitioner

Vs

1.M.P.Chandra Babu
2.Indira Vasu
3.Makani Hemadri
4.Shoba Avula
5.Geetha Dodda

... 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 dated 01.06.1985 in common form and that the Probate thereof.

For Petitioner : Ms.J.Hemalatha

For Respondents : No appearance

ORDER

This Original Petition has been filed for issuance of probate for the last Will and testament dated 01.06.1985 executed by Late Jeevamma @ Padmavathyamma, who died on 06.03.1988. The petitioner and the first



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respondent are the sons, second respondent is the daughter in-law and third to fifth respondents are the grandchildren of the testatrix. Second to fifth respondents are also the legal heirs of the deceased son M.P.Hemadri Vasu of the testatrix. The petitioner has been appointed as the executor under the said Will. The petitioner, first respondent and the deceased M.P.Hemadri Vasu are the beneficiaries under the Will. The respondents have filed their consent affidavits expressing their consent for grant of probate.

2. The petitioner has been examined as P.W.1. He has produced the death certificates of the testatrix Jeevamma @ Padmavathyamma and M.P.Hemadri Vasu, as Exs.P2 and P4. The legal heirship certificates of the testatrix Jeevamma @ Padmavathyamma and M.P.Hemadri Vasu, as Exs.P15 and P5. A perusal of Ex.P15 shows that the petitioner, first respondent and the deceased son M.P.Hemadri Vasu are the only Class-I legal heirs of the testatrix, and on perusal of Ex.P5 shows that the second to fifth respondents are the only class-I legal heirs of the deceased son M.P.Hemadri Vasu. The Original Will and Testament dated 01.06.1985, has been marked as Ex.P3. The said consent affidavits of the respondents have been marked as Exs.P10 to P14.



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3. One Mr. Satish, who is the son of second attestor to the said Will has been examined as P.W.2. He has identified the signature in the Will as that of his father's and has stated that his father died on 25.07.2017, and the death certificate is marked as Ex.P16.

4. In view of the said facts and evidence, the execution of the Will stands proved. Hence, the Original Petition is allowed by granting probate for the last will and testament dated 01.06.1985.

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Index :Yes/No

Speaking: Yes/ No

Neutral Citation: Yes/ No

Petitioner's witness:

P.W.1 – Mr.M.P.Purushotham

P.W.2 – Mr.Dr.Satish

Documents exhibited by the petitioner:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Photocopy of the petitioner's Aadhaar card
Ex.P2	Original death certificate of Jeevammal alias Padmavathyamma



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<i>Exhibits</i>	<i>Documents</i>
Ex.P3	Original Will executed by Jeevammal alias Padmavathyamma dated 01.06.1985
Ex.P4	Computer generated death certificate of M.P.Hemadri Vasu
Ex.P5	Computer generated legal heirship certificate of M.P.Hemadri Vasu
Ex.P6	Computer generated guideline value of the property mentioned in the schedule of the petition
Ex.P7	(Series 6 nos.) are the computer generated E-Receipts of the Electricity, Water Tax and property Tax in respect of the property mentioned in the schedule of the petition
Ex.P8	Photocopy of the Will in Telugu along with translated version in English made by High Court dated 01.02.1935 executed by Vempati Thayarama
Ex.P9	Affidavit of assets showing the net value of the estate as Rs.2,23,36,795/-
Ex.P10	Consent affidavit given by the 1 st respondent
Ex.P11	Consent affidavit given by the 2 nd respondent
Ex.P12	Consent affidavit given by the 3 rd respondent
Ex.P13	Consent affidavit given by the 4 th respondent
Ex.P14	Consent affidavit given by the 5 th respondent
Ex.P15	Photocopy of the legal heirship certificate of Jeevammal alias Padmavathyamma
Ex.P16	Computer generated death certificate of Dr.H.L.Gururaja Rao

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