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O.P.No. 80 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **21.08.2023**

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

O.P.No. 80 of 2023

R.Thirumurugan

...

Petitioner

Vs.

P.Sevverl

... Respondent

Original Petition is filed under Sections 222 and 276 of the Indian Succession Act read with Order XXV Rule 4 of the Original Side Rules, prays to prove the Will in common form, and grant probate thereof to the petitioner, to have effect throughout the State of Tamil Nadu.

For Petitioner : Ms.S.Jayanthi

ORDER

This Original Petition has been filed for issuance of Probate for the last Will and testament dated 09.02.2011 executed by Late V.S.Nagalakshmi.

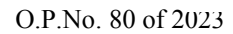
The petition mentioned properties were owned by one V.S.Nagalakshmi. The said V.S.Nagalakshmi died on 09.09.2015. Her



husband one R.Subramanian predeceased her on 14.07.1991. The couple had no issues of their own. After the death of her husband, V.S.Nagalakshmi lived with the respondent whose mother is the classmate of V.S.Nagalakshmi. During her lifetime, V.S.Nagalakshmi executed a registered Will dated 09.02.2011 by bequeathing the petition mentioned property in favour of the respondent by appointing the petitioner as the executor. After the demise of V.S.Nagalakshmi, the Will came into effect and hence the petitioner had filed this petition seeking probate.

2. The petitioner has been examined as P.W.1 and Exs.P1 to P11 were marked. One of the attestors of the Will by name K.Sivasankar has been examined as P.W.2 and Ex.P12 was marked.

5. Ex.P1 is the death certificate of V.S.Nagalakshmi. The original registered Will dated 09.02.2011 is marked as Ex.P2. Ex.P4 is the sale deed executed in favour of V.S.Nagalakshmi. The death certificate of the husband of the testatrix has been marked as Ex.P7. Ex.P9 is the affidavit of assets. Paper publication effected in one issue of Tamily daily “Makkal Kural” and in one issue of English daily “Trinity Mirror” did not attract any objectors.



7. 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 Section 63(c) of the Indian Successions Act and the same has been proved in terms of Section 68 of the Indian Evidence Act. Since the petitioner had proved the genuineness of the Will in which he had been appointed as executor, the relief sought shall be granted.

8. In the result, the Original Petition is allowed by granting probate of the last Will and Testament dated 09.02.2011 of late V.S.Nagalakshmi.



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to the petitioner to have effect limited throughout the State of Tamil Nadu.

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Index :Yes/No



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APPENDIX

Witnessed examined:

P.W.1 – R.Thirumurugan

P.W.2 – K.Sivasankar

Documents marked:

<i>Exhibits</i>	<i>Documents</i>
P1	Death certificate of V.S.Nagalakshmi
P2	Original Will dated 09.02.2011
P3	Photocopy of pension order book of V.S.Nagalakshmi
P4	Sale deed dated 31.03.1993
P5	Photocopy of Indian Bank fixed deposit receipt dated 07.11.2005 of V.S.Nagalakshmi
P6	Photocopy of Indian Bank fixed deposit receipt dated 14.11.2005 of V.S.Nagalakshmi
P7	Computer generated death certificate of R.Subramanian
P8	Computer generated death certificate of V.S.Saradambal
P9	Affidavit of assets
P10	Copy of paper publication dated 27.04.2023
P11	Copy of paper publication dated 20.04.2023
P12	Affidavit of P.W.2

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