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O.P.No.616 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2023

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THE HON'BLE MR JUSTICE SENTHILKUMARAMAMOORTHY

O.P.No.616 of 2022

Mr.P.Ranga Ramanujam

... Petitioner

VS.

1.T.Vijayakumar

2.Mrs.Arcot Mohinya

3.Mrs.Geethanjali Venkatesh

... Respondents

PRAYER: This original petition is filed under Sections 222 & 276 of the Indian Succession Act XXXIX of 1925 R/W Order XXV Rule 4 of Rules of the Madras High Court Original Side Rules, 1956, praying to allow the petitioner to prove the will in common form and that probate thereof to have effect throughout the Union of India.

For Petitioner : Mr.Raja Ravivarma
for M/s.R.Subramanian

For Respondents : ---



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ORDER

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The petitioner seeks probate of the last Will and Testament of Mr.T.Narayana Rao dated 02.09.2011.

2. The petitioner asserts that he was the auditor of the testator, Mr.T.Narayana Rao and was named as the executor under the Will. The petitioner asserted that the said Will was executed at Chennai on 02.09.2011 and registered as Document No.42 of 2011 before the SRO, T.Nagar, in the presence of two witnesses whose names appears at the foot of the Will. The petitioner further states that the first to third respondents are the son and two daughters of the testator. Since these persons are the beneficiaries, they are arrayed as respondents.

3. In order to prove the Will, the petitioner adduced evidence by examining himself as P.W.1. In course of the examination in chief of P.W.1, the 13 documents listed at the foot of this order were exhibited as Exs.P1 to P13. The original Will dated 02.09.2011(Ex.P1) discloses that the said Will was executed in the presence of Dr.P.Manohar and Mr.W.S.Jayaprakash. It is also evident



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that the Will was registered as Document No.42 of 2011 before the SRO, T.Nagar. The death certificate of the wife of the testator (Ex.P2) discloses that she died on 12.04.2020. The death certificate of the testator (Ex.P3) discloses that he died on 10.07.2020. The legal heirship certificate(Ex.P4)in respect of Mr.T.Narayana Rao discloses the names of the respondents as the surviving legal heirs. It also discloses that the wife of the testator is dead. Ex.P5 is the legal heirship certificate of the wife of the testator. Ex.P6 & Ex.P6 are the bank pass books in the name of the Testator. Ex.P7 is the statement of holdings in respect of the shares held by the Testator. Ex.P8 is the SBI Term Deposit standing in the name of the testator. Ex.P10 is the affidavit of assets showing the net value of the assets as Rs.20,63,096.34. The consent affidavits of all the respondents are on record as Exs.P11 to P13. Ex.P14 is the affidavit of the attesting witness.

4. One of the attesting witnesses, Mr.W.S.Jayaprakash, was examined as P.W.2. He deposed that the testator was his uncle and that the Will was executed by the testator in his presence and in the



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presence of the other attesting witness. He further deposed that the testator was in a sound and disposing state of mind when the Will was executed.

5. Based on the evidence adduced by the petitioner, the will stands duly proved. Consequently, the petitioner is entitled to probate.

6. For reasons aforesaid, O.P.No.616 of 2022 is allowed by granting a probate to the petitioner in respect of the last Will and Testament dated 02.09.2011 of Mr.T.Narayana Rao. The probate shall have effect throughout the Union of India.

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Petitioner's witness:

Mr.P.Ranga Ramanujam : P.W.1

Documents exhibited by the petitioners:

Exhibits	Particulars of Documents
Ex.P1	Original Will dated 02.09.2011 executed by Mr.T.Narayana Rao
Ex.P2	Computer generated death certifacte of Mrs.T.Lakshmi
Ex.P3	Computer generated death certificate of Mr.T.Narayana Rao.



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Exhibits	Particulars of Documents
Ex.P4	Computer generated Legal heirship certificate of Mr.T.Narayana Rao
Ex.P5	Computer generated Legal Heirship Certificate of Mrs.T.Lakshmi
Ex.P6	Photocopy of the Canara Bank pass book bearing account No.1283101005451 standing in the names of Mr.T.Narayana Rao and Mrs.Lakshmi
Ex.P7	Original statement of holdings in respect of the shares held by Mr.T.Narayana Rao.
Ex.P8	Photocopy of the Term Deposit Advice standing in the name of Mr. T.Narayana Rao.
Ex.P9	Photocopy of the State Bank of India Passbook bearing Account No.11901422871 standing in the names of Mr.T.Narayana Rao and Mrs.T.Lakshmi.
Ex.P10	Affidavit of assets showing the net value of the estate as Rs.20,63,096.34.
Ex.P11	Consent affidavit given by the first respondent.
Ex.P12	Consent affidavit given by the second respondent.
Ex.P13	Consent affidavit given by the third
Ex.P14	Affidavit as attesting witness.

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