



O.P.No.615 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.615 of 2022

Mr.P.Ranga Ramanujam

... Petitioner

vs.

- 1.T.Vijayakumar
- 2.Mrs.Arcot Mohinya
- 3.Mrs.Geethanjali Venkatesh
- 4.T.Vikram Kumar
- 5.Mrs.Vandana Kumar
- 6.Dilip Rao
- 7.Sudhir Rao
- 8.Rohit
- 9.Ms.Shravanthi
- 10.Mrs.Kalpana Kumar

... 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.



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

ORDER

The petitioner seeks probate of the last Will and Testament of Mrs.T.Lakshmi dated 02.09.2011.

2. The petitioner asserts that he was the auditor of the testatrix, Mrs.T.Lakshmi, 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.43 of 2011 before the SRO, T.Nagar, in the presence of two witnesses whose names appear at the foot of the Will. The petitioner further states that the first to third respondents are the son and two daughters of the testatrix, the fourth to ninth respondents are the grandchildren of the testatrix and the tenth respondent is the wife of the first respondent. Since these persons are the beneficiaries, they are arrayed as respondents.



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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 22 documents listed at the foot of this order were exhibited as Exs.P1 to P22. 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 that the Will was registered as Document No.43 of 2011 before the SRO, T.Nagar. The husband of the testatrix and the petitioner herein were named the executors under the Will. The death certificate of the testatrix (Ex.P2) discloses that she died on 12.04.2020. The death certificate of the husband of the testatrix is on record as Ex.P3. This document discloses that he died on 10.07.2020. The legal heirship certificate in respect of Mr.T.Narayana Rao, husband of the testatrix, discloses the names of the first to third respondents as the surviving legal heirs. It also discloses that the testatrix is dead. As evidence of the title of the testatrix to the assets bequeathed under the Will, Exs.P6 to P10 have been placed on record. The consent affidavits of all the respondents are on record as Exs.P13 to P22.



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4. One of the attesting witnesses, Mr.W.S.Jayaprakash, was examined as P.W.2. He deposed that the testatrix was his aunt and that the Will was executed by the testatrix in his presence and in the presence of the other attesting witness. He further deposed that the testatrix 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.615 of 2022 is allowed by granting a probate to the petitioner in respect of the last Will and Testament dated 02.09.2011 of Mrs.T.Lakshmi. 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 Mrs.T.Lakshmi
Ex.P2	Computer generated death certificate of Mrs.T.Lakshmi
Ex.P3	Computer generated death certificate of Mr.T.Narayana Rao.
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 registered Lease Deed dated 20.03.1986
Ex.P7	Photocopy of the registered Lease Deed dated 30.04.1990
Ex.P8	Photocopy of the Sale Deed dated 28.01.1998
Ex.P9	Photocopy of the Canara Bank Passbook bearing Account No. 1283101005459 standing in the names of Mrs.T.Lakshmi, Mr.T. Narayana Rao and T.Vijayakumar, along with the computer generated statement for the period 11.07.2022 to 20.07.2022.
Ex.P10	Photocopy of the IDFC Long Term Infrastructure Bond bearing certificate No.28343.
Ex.P11	Original statement of valuation as on 11.08.2021 in respect of Mrs.T.Lakshmi
Ex.P12	Affidavit of assets showing the net value of the estate as Rs.1,38,28,823.65.
Ex.P13	Consent affidavit given by the first respondent
Ex.P14	Consent affidavit given by the second respondent
Ex.P15	Consent affidavit given by the third respondent
Ex.P16	Consent affidavit given by the fourth respondent
Ex.P17	Consent affidavit given by the fifth respondent
Ex.P18	Consent affidavit given by the sixth respondent
Ex.P19	Consent affidavit given by the seventh respondent
Ex.P20	Consent affidavit given by the eighth respondent



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Exhibits	Particulars of Documents
Ex.P21	Consent affidavit given by the ninth respondent
Ex.P22	Consent affidavit given by the tenth respondent
Ex.P23	Affidavit as attesting witness

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