



WEB COPY



O.P.No.27 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2023

CORAM

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**
O.P.No.27 of 2023

T.M.Balasubramaniam

... Petitioner

Vs

C.C.Sivasankari

... Respondent

PRAYER: Original Petition filed for Testamentary and Intestate under Section 222 and 276 and Part IX of Indian Succession Act, 1925 under Order XXV Rule 4 of Original Side Rules, prays to prove the Will in common form and that the Probate thereof.

For Petitioner : Mr.K.S.V.Prasad

For Respondent : Mr.M.L.Denis

ORDER

This Original Petition has been filed for issuance of probate for the last Will and testament dated 29.06.2012 executed by Late Thulasi Bai, who died on 12.11.2021. The petitioner is the son and the respondent is the daughter of the testatrix. The petitioner is appointed as the executor under the Will. The petitioner and his son are the beneficiaries under the Will. The respondent has filed her consent affidavit expressing her consent for grant of probate.



O.P.No.27 of 2023

2. The petitioner has been examined as P.W.1. He has produced the death certificates of the testatrix Thulasi Bai and T.N.Manickavelu (husband of the testatrix), as Exs.P2 and P4. The Original Will and Testament dated 29.12.2012, has been marked as Ex.P1. The legal heirship certificate of the testatrix is produced as Ex.P3. A perusal of Ex.P3 shows that the petitioner and the respondent are the only class-I legal heirs of the testatrix. The said consent affidavit of the respondent has been marked as Ex.P7.

3. One Mrs.C.C.Sivasankari, the respondent herein, who is the first attesting witness to the said Will has been examined as P.W.2. She has spoken about the execution of the Will by the testatrix and its attestation by herself and Mr.N.Sankaranarayanan.

4. In view of the said evidence, the execution of the Will stands proved. Hence, the Original Petition is allowed by granting probate for the last will and testament dated 29.12.2012.

27.04.2022

gba

Index :Yes/No

Speaking order: Yes/ No

Neutral citation: Yes/ No

Petitioner's witness:



O.P.No.27 of 2023

P.W.1 – Mr.T.M.Balasubramaniam

P.W.2 – Mrs.C.C.Sivasankari

WEB COPY

Documents exhibited by the petitioner:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Original unregistered Will dated 29.12.2012 executed by Mrs.Thulasi Bai
Ex.P2	Computer generated death certificate of Mrs.Thulasi Bai
Ex.P3	Computer generated legal heirship certificate of Mrs.Thulasi Bai
Ex.P4	Photocopy of the death certificate of Mr.T.N.Manickavelu
Ex.P5	Photocopy of the Sale Deed dated 09.05.1962 executed in favour of Mrs.Thulasi Bai and Master M.Balasubramaniam
Ex.P6	Affidavit of assets showing the net value of the estate as Rs.8,15,216.00/-
Ex.P7	Consent affidavit given by the respondent
Ex.P8	Affidavit given by the 1 st attesting witness PW2

27.04.2023

gba



WEB COPY



O.P.No.27 of 2023

K.KUMARESH BABU,J.

gba

O.P.No.27 of 2023

27.04.2023