



WEB COPY



O.P.No.729 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2023

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU
O.P.No.729 of 2022

Paul Raj

... Petitioner

Vs

1.Narayani Verghese

2.Nirmala

... Respondents

PRAYER: Original Petition filed for 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 in common form and that the Probate thereof.

For Petitioner : Mr.S.V.R.Ramprasad

For Respondents : Mr.C.Balakumaran

ORDER

This Original Petition has been filed for issuance of probate for the last will and testament dated 07.08.2017 executed by Late Babu Verghese Pilo, who died on 14.02.2022. The petitioner is the son of the testator and he has been appointed as an executor under the Will and the 1st respondent is the wife and the 2nd respondent is the daughter of the testator. The



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respondents 1 and 2 have also 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 the death certificate of the testator Babu Verghese Pilo, as Ex.P2, and the legal heirship certificate of the testator Babu Verghese Pilo, as Ex.P3, and the Original registered Will and Testament dated 07.08.2017 has been produced as Ex.P1. A perusal of Ex.P3 shows that the petitioner and the respondents are the only legal heirs of the testator Babu Verghese Pilo.

3. One V.P.Udhippu, who is one of the attesting witnesses to the said Will has been examined as P.W.2. He has spoken about the execution of the Will by the testator and its attestation by himself and Mr.Ipe Job. The consent affidavits of the respondents have been marked as Exs. P9 and P10.

4. In view of the said evidence, the execution of the Will stands proved. Hence, the Original Petition is allowed granting probate for the last will and testament dated 07.08.2017.

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Index :Yes/No

Petitioner's witness:

P.W.1 - Mr.Paul Raj

P.W.2 – Mr.V.P.Udhippu

Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Original registered Will dated 07.08.2017 executed by Mr.Babu Varghese Pilo
Ex.P2	Death certificate of Mr.Babu Verghese Pilo
Ex.P3	Legal heirship certificate of Mr.Babu Verghese Pilo
Ex.P4	Photocopy of the Sale Deed dated 26.11.1986 executed in favour of Babu Verghese Pilo
Ex.P5	Photocopy of the petitioner's Aadhaar card
Ex.P6	Photocopy of the Aadhaar card of the 1 st respondent
Ex.P7	Photocopy of the e-Aadhaar card of the 2 nd respondent (this document is marked subject to its admissibility, proof and relevancy)
Ex.P8	Affidavit of assets showing the net value of the estate as Rs.1,67,58,375/-
Ex.P9	Consent affidavit given by the 1 st respondent
Ex.P10	Consent affidavit given by the 2 nd respondent

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