



WEB COPY



O.P.No.705 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2023

CORAM

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**  
**O.P.No.705 of 2022**

Sonia Vickers

... Petitioner

Vs

1.Abhijit Iyer Mitra  
2.Saradha Viswanathan (deceased)  
3.V.S.Chandralekha  
4.Viswanathan Srikantan  
5.Viswanathan Shankar

... Respondents

**PRAYER:** 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.R.Ravi

For Respondents : No appearance

**ORDER**

This Original Petition has been filed for issuance of probate for the last Will and testament dated 29.04.2022 executed by Late V.Ashok Kumar, who died on 26.06.2022. The petitioner is the foster daughter of the testator. The first respondent is the nephew and second respondent is the mother (now deceased) of the testator. The respondents three to five are the legal heirs of the second respondent impleaded vide order dated 03.04.2023 in A.No.1964 of 2023. The



O.P.No.705 of 2022

petitioner is appointed as the executor under the Will. The respondents have filed their consent affidavits expressing their consent for grant of probate. The petitioner and the 1<sup>st</sup> respondent are the beneficiaries under the Will.

2. The petitioner has been examined as P.W.1. She has produced the death certificate of the testator V.Ashok Kumar, as Ex.P2. The Original Will and Testament dated 29.04.2022, has been marked as Ex.P1. The legal heirship certificate of the testator is produced as Ex.P3. A perusal of Ex.P3 shows that the second respondent (now deceased) is the only class-I legal heir of the testator. The said consent affidavits of the respondents has been marked as Exs.P4 to P8.

3. One Mr.R.Madanraj, who is the second attesting witness 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.Santhanagopalan.

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 29.04.2022.

**26.04.2022**

gba  
Index :Yes/No



O.P.No.705 of 2022

Speaking order: Yes/ No  
Neutral citation: Yes/ No

WEB COPY

**Petitioner's witness:**

P.W.1 – Ms.Sonia Vickers  
P.W.2 – Mr.R.Madanraj

**Documents exhibited by the petitioner:**

| <i><b>Exhibits</b></i> | <i><b>Documents</b></i>                                                     |
|------------------------|-----------------------------------------------------------------------------|
| Ex.P1                  | Original registered Will daed 29.04.2022 executed by Mr.V.Ashok Kumar       |
| Ex.P2                  | Computer generated death certificate of Mr.V.Ashok Kumar                    |
| Ex.P3                  | Computer generated legal heirship certificate of Mr.V.Ashok Kumar           |
| Ex.P4                  | Consent affidavit given by the 1 <sup>st</sup> respondent                   |
| Ex.P5                  | Consent affidavit given by the 2 <sup>nd</sup> respondent                   |
| Ex.P6                  | Consent affidavit given by the 3 <sup>rd</sup> respondent                   |
| Ex.P7                  | Consent affidavit given by the 4 <sup>th</sup> respondent                   |
| Ex.P8                  | Consent affidavit given by the 5 <sup>th</sup> respondent                   |
| Ex.P9                  | Affidavit of assets showing the net value of the estate as Rs.2,94,18,750/- |
| Ex.P10                 | Affidavit given by the 2 <sup>nd</sup> attesting witness PW2                |

**26.04.2023**

gba



WEB COPY



O.P.No.705 of 2022

**K.KUMARESH BABU,J.**

gba

O.P.No.705 of 2022

26.04.2023