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T.O.S.No.24 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2023

CORAM : **JUSTICE N.SESHASAYEE**

T.O.S.No.24 of 2018

R.Venkatraman

... Plaintiff

Vs.

1.N.Vishalakshi

2.Lakshmi

... Defendants

Prayer: This Petition is filed under Sections 222 and 276 of the Indian Succession Act XXXIX of 1925, praying that the petitioner may be allowed to prove the will in common form and that probate thereof to have effect limited to the State of Tamil Nadu may be granted to him limited to the property mentioned in the affidavit of assets.

For Plaintiff : M/s.R.Sivaraman

For Defendants : Mr.R.Subramanian

JUDGMENT

This testamentary original suit has been compromised between the parties. The defendants also admit the genuineness of the Will. However, the procedure contemplates that the Court must satisfy itself as to the genuineness of the Will. Hence, this Court posted the matter before the learned Master Main to record the evidence of the attesting witnesses. Before the Master, the propounder of the Will / Executor appointed



T.O.S.No.24 of 2018

thereunder was examined as P.W.1 and one of the attesting witnesses was examined as P.W.2. However, the attesting witness was not cross examined.

2.This Court perused the pleadings and also the testimony of P.W.2 and is satisfied about its quality of proof offered by the plaintiff. This Court holds that the Will dated 07.07.2014 executed by Late Rajeshwari Srinivasan is genuine.

3.Now, its time to give effect to the compromise inasmuch as this Court is satisfied with the genuineness of the Will. Accordingly, a composite decree be passed for (i) it would be for grant of probate and (ii) for giving effect to the compromise so arrived between the parties.

4.This Testamentary Original Suit is accordingly decreed. No Costs.

02.03.2023
(1/2)

Anu
Index : Yes/No
Speaking /Non Speaking



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T.O.S.No.24 of 2018

N.SESHASAYEE.J.,



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