



WEB COPY



O.P.No.260 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **15.07.2024**

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

O.P. No. 260 of 2024

K.S.Sundar

... Petitioner

Vs.

1.Swarna Subramanian

2.Nitya Ramakrishnan

... Respondents

PRAYER: Original Petition filed under Section 372 and Part X of the Indian Succession Act, XXXIX of 1925 read with Order XXV Rule IV of Original Side Rules to permit the petitioner to prove the Will in common form and that probate thereof having effect limited to the State of Tamil Nadu may be granted to him.

For Petitioner : Mr.Shivakumar

For Respondents : M/s.G.S.Deepa

ORDER

The petition has been filed seeking probate of the Will dated 04.02.2003 executed by Mr.K.S.Subramanian, who died on 22.11.2007.



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He was the father of the petitioner and the 2nd respondent and husband of the 1st respondent.

2. It is stated that both the respondents/mother and sister of the petitioner have also given their consent affidavit for grant of probate in favour of the petitioner herein.

3. After following due procedure, the petitioner was directed to tender evidence and accordingly, the petitioner examined himself as P.W.1. He marked the original Will dated 04.02.2003 as Ex.P1 and death certificate of his father as Ex.P2 and english translation of the death certificate as Ex.P3. This is required since Mr.K.S.Subramanian died in Madhya Pradesh. The legal heirship certificate of Mr.K.S.Subramanian was marked as Ex.P4. The document relating to the property was marked as Ex.P6. The petitioner also examined Mr.M.Bharathwajan as P.W.2. He was one of the attesting witness and identified Ex.P1, the Will and also stated that it was signed by Mr.K.S.Subramanian in his presence and in the presence of the other attesting witness and that they also signed it



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in the presence of Mr.K.S.Subramanian. He also stated that K.S.Subramanian was in sound state of mind at the time of execution of Will. His affidavit has been marked as Ex.P9.

4. Taking into consideration the nature of evidence adduced and documents produced, this Original Petition is allowed and probate to be granted to the petitioner in accordance with rules.

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Index :Yes/No
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APPENDIX

Petitioner's witness:

P.W.1 – Mr.K.S.Sundar

P.W.2 – Mr.M.Bharathwajan

Documents marked:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Original Will dated 04.02.2003 executed by K.S.Subramanian.
Ex.P2	Photocopy of the death certificate of K.S.Subramanian



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<i>Exhibits</i>	<i>Documents</i>
	(compared with the original).
Ex.P3	English translated version of death certificate of K.S.Subramania which is Ex.P2 (this document is marked subject to admissibility, proof and relevancy).
Ex.P4	Computer generated legal heir certificate of Mr.K.S.Subramanian.
Ex.P5	Affidavit filed under Section 65B of the Indian Evidence Act, 1872.
Ex.P6	Photocopy of the sale deed dated 07.11.1981 executed in favour of K.S.Subramanian.
Ex.P7	Photocopy of the property tax receipt dated 10.05.2022 in respect of the schedule mentioned property standing in the name of K.S.Subramanian.
Ex.P8	Affidavit of assets showing the net value of the estate as Rs.1,19,70,000/-.
Ex.P9	Affidavit of Mr.M.Bharathwajan, P.W.2.

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