



WEB COPY

O.P.No.298 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **28.03.2025**

CORAM

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**

O.P.No.298 of 2023

Dr.G.S.Kailash

...Petitioner

VS.

- 1.Venkatraman Sambasivam
- 2.Smt.Revathy Sambasivan
- 3.Smt.Mangalam G.
- 4.Smt.Chandra
- 5.Smt.R.Sukanya
- 6.Dr.Smt.Chithra Kailash
- 7.Smt.G.Sudha
- 8.Shri.S.Balaji
- 9.Shri R.Lingappan (New Mylai Pharmacy)
- 10.Shri B.Gunaseelan
- 11.T.Subramanian
- 12.Shri T.Vignesh
- 13.Shri.Sreedhar Sasthrigal alias V.Nagarajan
- 14.Smt.Karpagam D.Caretaker
- 15.Smt.Jayalakshmi
- 16.Smt.Leela
- 17.Sri Kanchi Kamakoti Peetam

...Respondents

PRAYER: Original Petition filed under Section 222 and 276 of Indian Succession Act XXXIX of 1925 and Order XXV Rule 4 of O.S. Rules, prays that he may be allowed to prove the Will in common form, and that probate



thereof, to have effect throughout the whole of the State of Tamil Nady may be granted to him.

WEB COPY

For Petitioner : M/s.R.Meenal
For Respondents : No appearance

ORDER

This Original Petition has been filed for issuance of Probate for the Last Will and testament dated 25.07.2021 executed by Late.Ms.Yogam Kuppuswamy, who died on 11.03.2023. The petitioner has been appointed as executor under the Will.

2. The petitioner submits that the testatrix and her sister Late.Ms.K.Abhayam were co-owners to the property mentioned in the schedule. Wherein sister of testatrix Late.Ms.K.Abhayam died as a spinster and the mother of the testatrix also predeceased the testatrix, thereby the testatrix became the absolute owner of the said property. The petitioner also submits that the testatrix Late.Ms.Yogam Kuppuswamy also died as a spinster leaving no immediate legal heirs as her parents and her sister Late.Ms.K.Abhayam have already predeceased her. The petitioner and the respondents are named as the beneficiaries in the said Will of the testatrix. All the respondents have been served with notice including the fifth



respondent who was served through the substituted service by paper publication which was allowed by order in the Application No.5115 of 2024.

WEB COPY

Inspite of the respondents being served with the notice, they kept themselves away from the proceedings.

3. Mrs.Jayanthi Ravisankar, who was the second attesting witness to the said Will has been examined as PW1. The original will dated 25.07.2021 has been marked as Ex.P1. The attesting witness had spoken about the execution of the Will by the testatrix and its attestation by her and the first attestator and marked her affidavit as Ex.P2. The general paper publications have been made and no objections are received for the same.

4. The petitioner has been examined as PW2. He has produced the death certificate of the Late.Ms.Yogam Kuppuswamy as Ex.P9. The Legal heir certificate of Late.Mrs.Kamashi the mother of the deceased is marked as Ex.P8.

5. The assertions in the petition have been duly proved by adducing



oral evidence supported by documents. In these circumstances, the petitioner is entitled to the relief.

WEB COPY

6. In view of the said evidence, the execution of Will stands proved. Hence, the Original Petition is allowed granting probate of the last Will and testament dated 25.07.2021.

28.03.2025

kak
Index :Yes/No

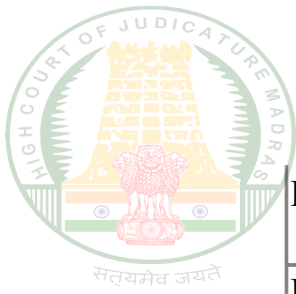
Petitioner's witness:

P.W.1 – Mrs.Jayanthi Ravisankar

P.W.2 – Dr.G.S.Kailash

Documents exhibited by the petitioners:

Exhibits	Documents
Ex.P1	The Will dated 25.07.2021, executed by Mrs.Yogam.
Ex.P2	Affidavit.
Ex.P3	Photocopy of the Aadhar Card of the petitioner. (Original is produced, compared and returned to the petitioner's counsel)
Ex.P4	Photocopy of the PAN Card of the petitioner.(Original is produced, compared and returned to the petitioner's counsel)
Ex.P5	Printout of the death certificate of Mr.Kuppuswamy died on 07.08.1980.



WEB COPY

O.P.No.298 of



Ex.P6	Computer generated copy of the death certificate of Kamakshi died on 18.07.2021.
Ex.P7	Computer generated copy of the death certificate of Abayam died on 30.12.2020.
Ex.P8	Computer generated copy of the legal heirship certificate of Kamakshi dated 20.10.2021.
Ex.P9	Computer generated copy of the death certificate of Yogam died on 11.03.2023.
Ex.P10	Photocopy of the Aadhar Card of Mr.Yogam.(Original is produced, compared and returned to the petitioner's counsel)
Ex.P11	Photocopy of the PAN Card of Mr.Yogam.(Original is produced, compared and returned to the petitioner's counsel)
Ex.P12	Computer generated copy of the town survey land register of Yogam's property.
Ex.P13	Affidavit of assets wherein the net value of the assets is Rs.2,53,65,000/-
Ex.P14	One issue of Malai Malar dated 25.10.2024.
	Affidavit under Section 65B of Indian Evidence Act is filed for Exs.P5 to P9 and P12.

28.03.2025

kak

K.KUMARESH BABU, J.

kak



WEB COPY

O.P.No.298 of



O.P.No.298 of 2023

28.03.2025