



WEB COPY



O.P.No.175 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **21.06.2024**

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

O.P. No. 175 of 2024

K.Senthilkumar

... Petitioner

PRAYER: Original Petition filed under Sections 222 & 276 of the Indian Succession Act XXXIX of 1925, read with Order XXV Rule 4 of Original Side Rules to allow him to prove the Will in common form and that probate thereof to have effect throughout the State of Tamil Nadu.

For Petitioner : Mr.S.Raja Ravivarma

ORDER

The petitioner has filed this petition seeking Probate of the Will dated 07.11.2013, executed by P.Kaliyammal, who died on 15.05.2021. The Will was registered as Document No.40/2013 in the office of the Sub-Registrar at Madhavaram, Chennai.

2. It is stated that there are no other family members who have caveatable interest in the matter.



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3. After following due procedure, the petitioner was directed to tender evidence and accordingly, the petitioner examined himself as P.W.1. The original Will dated 07.11.2013 was marked as Ex.P1 and death certificate of P.Kaliyammal was marked as Ex.P2. The document relating to the property was marked as Ex.P3. The petitioner also examined Mrs.Bhuvaneswari as P.W.2, who was one of the attesting witness. She affirmed Ex.P1-Will and stated that she and M.Malarkodi has signed as attestors in the presence of P.Kaliyammal, who also signed the Will in their presence. Her affidavit was marked as Ex.P5.

4. Taking the evidence into consideration and the documents produced, the Original Petition stands allowed and the Probate to be issued 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.Senthilkumar

P.W.2 – Mrs.Bhuvaneswari

Documents marked:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Original Will dated 07.11.2013 executed by P.Kaliyammal.
Ex.P2	Computer generated death certificate of Mrs.Kaliyammal.
Ex.P3	Photocopy of the settlement dated 05.03.2004 executed in favour of P.Kaliyammal (compared with the original).
Ex.P4	Affidavit of assets showing the net value of the estate as Rs.10,00,000/-.
Ex.P5	Affidavit of attesting witness, Mrs.Bhuvaneswari.

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C.V.KARTHIKEYAN,J.

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