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O.P. No. 644 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.06.2024

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

O.P. No. 644 of 2023

Ms. Sukanya Srinivasan

... Petitioners

-VS-

1. Dr. N.S.Srinivasan (Deceased)

2. Shobha Srinivasan

...Respondents

PRAYER: Original Petition filed under Section 222 and 276 of the Indian Succession Act, XXXIX of 1925, read with Order XXV Rule 4 of Original Side Rules to allow the petitioner herein to prove the Will dated 08.07.2021 of the deceased in common form, and that probate thereof, to have effect throughout the State of Tamil Nadu, be granted to the petitioner.

For Petitioner : Mr. S.Raghunathan

ORDER

The Original Petition has been filed seeking grant of probate of a Will dated 08.07.2021 executed by Mrs. Vijaya Srinivasan, who died on 02.12.2022.



O.P. No. 644 of 2023

WEB COPY

2. The first respondent, who has died during the pendency of the petition, was the husband of Mrs. Vijaya Srinivasan. The petitioner and the second respondent are daughters.

3. Both the respondents have given consent affidavit. Since the first respondent died during the pendency of the petition, the petitioner had filed Application No. 88 /2024 seeking to recognise the petitioner and the second respondent as his legal heirs. Such application was also ordered on 09.01.2024. After completing due procedure, the petitioner was directed to tender evidence.

4. Accordingly, the petitioner examined herself as P.W.1 and the original Will dated 08.07.2021 executed by her mother Mrs. Vijaya Srinivasan was marked as Ex.P2, and the death certificate and the legal heirship certificate of the mother had been marked as Exs. P3 and P4. Quite apart from the petitioner, Mr. Sanjiv Arora was also examined as P.W.2, who was one of the attesting witnesses along with Mr. Karthick Selvanayagam. In his evidence, he stated that the attesting witnesses



O.P. No. 644 of 2023

signed the Will in the presence of the executrix, who also was signed it in their presence. He also identified the Will. He also stated that Mrs. Vijaya Srinivasan was in a sound and disposing state of mind at the time of execution of the Will.

5. Taking into consideration the documents produced, the Original Petition stands allowed. Probate to be issued in accordance with rules.

11.06.2024

Index : Yes/No

Note : Probate to be issued by 02.07.2024.

Maya



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O.P. No. 644 of 2023

C.V.KARTHIKEYAN,J.

Maya

O.P. No. 644 of 2023

11.06.2024