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T.O.S.No.16 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE P.B.BALAJI

TOS.No.16 of 2022
(O.P.No.531 of 2021)

Elsie Vijay Anand

... Plaintiff

Vs.

1.K.Percy Vijaya Kumar

2.K.Manuel Babu Vasantha Kumar

3.Prince Prasanna Kumar

... Defendants

PRAYER: The Testamentary Original Suit filed under Sections 222 and 276 of the Indian Succession Act XXXIX of 1925, to grant Probate to the plaintiff, to prove the Last Will and Testament of Mrs.R.Karpagasundari dated 02.06.2010 in common form and that probate thereof, to have effect throughout the State of Tamil Nadu.

For Plaintiff : Mr.R.Saravanan
for Mr.T.Sai Krishnan

For Defendants
For D1 to D3 : No appearance

JUDGMENT



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The above Testamentary Original Suit has been filed to grant Probate to the plaintiff, by proving the Last Will dated 02.06.2010 and Testament of Mrs.R.Karpagasundari, in common form and that probate thereof, to have effect throughout the State of Tamil Nadu.

2. Though the defendants contested the Testamentary Original Suit initially, pending proceedings, on 03.12.2023 the parties have arrived at an amicable settlement and they executed a Joint Memorandum of Compromise. Therefore, the defendants sought for discharging their caveat and have expressed no objection for grant of probate in favour of the plaintiff. Copy of the Joint Memorandum of Compromise dated 03.12.2023 is filed by way of typed set of papers and the same was presented before this Court on 27.06.2024.

3. Subsequently, when the matter is taken up for hearing on 03.07.2024, i.e., today, in proof of due execution of attestation of the Will executed by Mrs.R.Karpagasundari, the Testatrix, dated 02.06.2010, the 1st attesting witness – Mr.Paramaguru has been examined and he has spoken about the due execution of the Will, in his presence and in the presence of 2nd attesting



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witness. He has also spoken about the mental capacity of the Testatrix, at the time of execution of the Will.

4. In view of the evidence available on record, I am satisfied with the due execution and attestation of the Will dated 02.06.2010 and it is proved in accordance with law. Accordingly, the Testamentary Original Suit is decreed in terms of the Joint Memorandum of Compromise which shall form part and parcel of the decree.

5. The Registry shall issue the Letters of Probate, annexing the Joint Memorandum of Compromise as well as the Will, to the plaintiff. There shall be no order as to costs.

03.07.2024

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Index:Yes/No

Internet:Yes/No

Speaking order/Non-speaking order

Neutral citation : Yes/No

P.B.BALAJI, J.

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