



O.P.No.301 of 2024

O.P.No.301 of 2024

RMT.TEEKAA RAMAN, J.

This Original Petition has been filed by the Petitioner under Sections 222 and 276 of the Indian Succession Act and under Order XXV Rule 4 of O.S. Rules to allow the Petitioner prove the Will of P.Mahendra Kumar (deceased) dated 30.06.2014 in common form and that probate thereof, to have effect limited to the state of Tamil Nadu.

2.Heard the learned counsel for the Petitioner and the learned counsel for the Respondents 1 & 2.

3.The learned counsel for the Respondents represented that they have no objection to this Petition.

4.This matter is in connection with the Last Will and Testament of P.Mahendra Kumar, now deceased, who died on 18.07.2014 at Apollo First Med Hospital, P.H.Road, Chennai 600 010. The Petitioner is the elder brother and Executor of the Will of deceased P.Mahendra Kumar, 1st Respondent is the wife of the deceased P.Mahendra Kumar and 2nd Respondent is son of the deceased P.Mahendra Kumar. The last Will and



O.P.No.301 of 2024

Testament of the deceased P.Mahendra Kumar was duly executed by him at

Chindambaram on 30.06.2014. The Petitioner is the executor in the said

Will. The above named deceased bequeathed the schedule mentioned

properties and shares, item No.1 in favour of his elder brother namely

Mr.P.Uthamchand and item No.2 in favour of his son ie., Minor Rohit the

2nd Respondent herein. The amount of the assets which are likely to come

into the Petitioner's hands does not exceed the sum of Rs.1,36,77,944/-

(Rupees one crore thirty six lakhs seventy seven thousand nine hundred and

forty four only)

5.Since the subject Will is an unregistered one, this court has directed

PW1 & PW2 to produce the Aadhar card. Pursuant to the orders passed by

this Court, they have appeared before the learned Master and also produced

their Aadhar card. The first Petitioner was examined as PW1 and Exs.P1 to

P10 were also marked as follows:

S.No	Exhibits	Details
1	Ex.P.1	Original Will dated 30.06.2014 executed by Mr.P.Mahendrda Kumar
2	Ex.P.2	Photocopy of the sale deed dated 20.02.1995 executed in favour of Mr.Mahendra Kumar (Compared with the original)
3	Ex.P.3	Photocopy of the share certificate in City Union Bank Limited standing in the name of Mr.P.Mahendra Kumar (Compared with the original)
4	Ex.P.4	Computer generated death certificate of Mr.P.Mahendra Kumar



O.P.No.301 of 2024

S.No	Exhibits	Details
5	Ex.P.5	Photocopy of the legal heirship certificate of Mr.P.Mahendra Kumar (Compared with the original)
6	Ex.P.6	Photocopy of the share certificate in Safari Industries (India) Limited standing in the name of Mr.P.Mahendra Kumar (Compared with the original)
7	Ex.P.7	Computer generated death certificate of Mrs.P.Amarabai
8	Ex.P.8	Original account statement of UTI Flexi Cap Fund dated 20.10.2023 in respect of shares and securities held by Mr.P.Mahendrda Kumar
9	Ex.P.9	Certificate under Section 65B of the Indian Evidence Act, 1872
10	Ex.P.10	Affidavit of assets showing the net value of the estate

6.PW2 & PW3 are the attestors of the Will. One of the properties is situated in Chennai and hence the Petitioner moved this application for probate as stated supra. Further examination of PW1 & PW2 was taken on 18.09.2024 and Ex.P.12 & Ex.P.13 were also marked.

7.Taking note of the evidence of the attestors/PW2 & PW3 before the learned Master and having been satisfied with the fact that the Will has been proved in the manner known to law, this Original Petition stands allowed as prayed for and the probate may be issued in favour of the Petitioner in accordance with the rules.

15.10.2024

sai



WEB COPY



O.P.No.301 of 2024

RMT.TEEKAA RAMAN, J.

sai

O.P.No.301 of 2024

Dated: 15.10.2024