



WEB COPY



O.P. No.308 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.06.2024

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

O.P. No.308 of 2023

1.Dr.T.S.Ravisankar
2.T.S.Raghunathan

... Petitioners

Vs.

1.Ms.T.S.Radha Bai (Deceased)
2.Ms.T.S.Sudha
3.Ms.Gowri Subrahmanyam
(The petitioners and the respondents 2 & 3
recognised as the legal heirs of the deceased
First respondent as per order dated 28.03.2024
in Memo)

... Respondents

PRAYER: Original Petition filed under Sections 222 and 276 of the Indian Succession Act, 1925, read with Order XXV Rule 4 of O.S. Rules, to allow the petitioners to prove the Will in common form and that probate thereof, to have effect limited to the State of Tamil Nadu, may be granted to the petitioners.

For Petitioners : Ms.K.Bhanumathi

ORDER

The petition has been filed seeking probate of the Will dated



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12.06.1986 and registered as document No.39 of 1986 in the office of the Joint Sub-Registrar II, Saidapet, executed by Ms.T.S.Mira Devi who died on 18.02.2022.

2. The petitioners are the brothers of Miradevi and the respondents are her sisters. The respondents have filed consent affidavits. The first respondent died as a spinster during the pendency of this petition and the same has also been recorded by an order dated 28.03.2024.

3. After following the due procedure, the petitioners were directed to tender evidence. Accordingly, the second petitioner examined himself as P.W.1 and the original registered Will dated 12.06.1986 was marked as Ex.P1. The death certificate of Ms.T.S.Mira Devi was marked as Ex.P2. The document relating to the property was marked as Ex.P4. The petitioners also examined one A.N.Vijayalakshmi as P.W.2. who is the one of the attestors of the Will. She stated that the Will was signed by the testatrix in her presence and in the presence of the other attesor Mr.A.S.Natarajan. She has filed an affidavit in this regard which was marked as Ex.P6.

4. Taking into consideration the nature of the evidence recorded and



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the documents produced, this Original Petition stands allowed by granting probate of the last Will and Testament dated 12.06.1986 of late Ms.T.S.Mira Devi, the testatrix, to the petitioners to have effect limited to the State of Tamil Nadu.

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Index :Yes/No
gsk



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APPENDIX

Petitioners' witness:

P.W.1 – Mr.T.S.Raghunathan
P.W.2 - Mrs.A.No.Vijayalakshmi

Documents marked:

<i>Exhibits</i>	<i>Documents</i>
P1	the original registered Will dated 12.06.1986 executed by Ms.Mira Devi.
P2	the photocopy of the death certificate of Ms.T.S.Mira Devi.
P3	the computer generated attestation of family tree in respect of Mrs.T.S.Sudha.
P4	the photocopy of the sale deed dated 07.04.1987 executed in favour of Ms.T.S.Miradevi.
P5	the affidavit of assets showing the net value of the estate as Rs.59,98,500/-.
P6	the affidavit of Mrs.A.N.Vijayalakshmi.

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C.V.KARTHIKEYAN, J.

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