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O.P.No.328 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.08.2024

CORAM

THE HON'BLE MR. JUSTICE RMT.TEEKAA RAMAN

O.P.No.328 of 2024

1.Mr.A.R.Karunakaran

2.Mr.Pradip D.Kothari

... Petitioners

Vs.

1.Mr.Deepak Banker Linubhai

2.Mr.Kunal Banker Deepak Banker

3.Mrs.Aditi Ameet Parikh

4.Ms.Avanti Banker

... Respondents

PRAYER: Original Petition filed under Sections 222 & 276 of the Indian Succession Act, 1925 (Act XXXIX of 1925) Read with Order XXV Rule 4 of the Original Side Rules to prove the Will of the deceased Mrs.Gita Banker Deepak Banker, dated 16/09/2023, in common form and that probate thereof to have effect limited to the State of Tamil Nadu may be granted to the petitioners (Mr.A.R.Karunakaran and Mr.Pradip.D. Kothari) jointly.

For Petitioners : M/s.G.Rajkumar

For Respondents : Mr.K.Newlin Frederick [R.1 to R.4]



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ORDER

This petition is filed under Sections 222 & 276 of the Indian Succession Act, 1925 (Act XXXIX of 1925) Read with Order XXV Rule 4 of the Original Side Rules, 1956 in the matter of last Will & Testament of Mrs.Gita Banker Deepak Banker.

2. The petitioners herein are appointed as the Executors of the Will by the testatrix, Mrs.Gita Banker Deepak Banker. The 1st petitioner is an advocate practicing before this Hon'ble High Court. The 2nd petitioner is the brother of the testatrix. While the 1st respondent is the husband, the 2nd respondent is the son, and the 3rd and the 4th respondents are the daughters of the deceased testatrix. The property is situated in Flat B, III Floor, 'Lasting Leaf', Old No.18/19, New No.32, Bawa Road, Alwarpet, Chennai - 600018.

3. On the side of the petitioners, three witnesses were examined and the following documents were marked:-

S.No.	Exhibits	Description of documents
1.	P1	The original unregistered Will and Testament dated 16.09.2023 executed by Mrs.Gita D.Banker.
2.	P2	The computer generated death certificate of Mrs.Gita Bander Deepak Banker.
3.	P3	The computer generated legal heir ship certificate of



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S.No.	Exhibits	Description of documents
		Mrs.Gita Bander Deepak Banker.
4.	P4	The photocopy of the sale deed dated 23.06.2023 executed in favour of Mrs.Gita Deepak Banker and Ms.Aditi Parikh (Compared with the original).
5.	P5	The downloaded copy of the statement of shares and deposits held by Mrs.Gita Banker in HDFC Bank.
6.	P6	The affidavit of assets showing the net value of the estate as Rs.15,43,20,026/-.
7	P7	The certificate under Section 65B of the Indian Evidence Act, 1872.

4. The 2nd attesor to Ex.P.1 Will, Mr.Prabhakaran Mohan was examined as P.W.3. He deposed that the Will was executed by Mrs.Gita D.Banker on 16.09.2023 during his presence and in the presence of their Manager Mr.S.Premnath. At the time of execution of Ex.P.1, Will, Mrs.Gita D.Banker was in a sound state of mind and in good health. She signed Ex.P.1 Will in the presence of P.W.3 and one Mr.S.Premnath. The affidavit of P.W.3 is marked as Ex.P.8. The concerned affidavits of respondents 1 to 4 have been filed before the Master and taken on record.

5. After perusing the oral evidence of P.W.1 and P.W.2, the Executors of the Will, and P.W.3, the attesor of the Will, along with the concerned affidavits of respondents 1 to 4 and the documentary evidence, I find that the



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Will is proved in the manner known to law.

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6. Accordingly, the above Original Petition is allowed as prayed for. Registry to issue Probate to the petitioners in accordance with Rules. No costs.

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Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
(shr)

APPENDIX

List of witness examined on the side of the Petitioners:-

- 1.Mr.A.R.Karunakaran (P.W.1)
- 2.Mr.Pradip D.Kothari (P.W.2)
- 3.Mr.Prabhakaran Mohan (P.W.3)

List of Documents marked on the side of the Petitioners:-

S.No.	Exhibits	Description of documents
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S.No.	Exhibits	Description of documents
		Mrs.Gita Bander Deepak Banker
4.	P4	The photocopy of the sale deed dated 23.06.2023 executed in favour of Mrs.Gita Deepak Banker and Ms.Aditi Parikh (Compared with the original).
5.	P5	The downloaded copy of the statement of shares and deposits held by Mrs.Gita Banker in HDFC Bank.
6.	P6	The affidavit of assets showing the net value of the estate as Rs.15,43,20,026/-
7	P7	The certificate under Section 65B of the Indian Evidence Act, 1872.

List of witness examined on the side of the Respondents:- -NIL

List of documents marked on the side of the Respondents:- -NIL



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RMT.TEEKAA RAMAN, J.

(shr)

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