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O.P. No. 599 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.04.2024

CORAM

THE HONOURABLE MS.JUSTICE C.V.KARTHIKEYAN

O.P. No. 599 of 2023

Narayanan Rajeeva Prakash

... Petitioner

-VS-

1. R.Balaji
2. R.Karthik

...Respondents

PRAYER: Original Petition filed under Sections 222 and 276 of the Indian Succession Act, 39 of 1925, read with Order XXV Rule 4 of Original Side Rules to grant permission to the petitioner to prove the Will in common form, and that the probate thereof, to have effect throughout the State of Tamil Nadu.

For Petitioner : Mr. D.Ferdinand
M/s. BFS Legal

For Respondents : Mr. S.S.Vijayakumar (R1 & R2)

ORDER

The Original Petition has been filed seeking grant of probate of a Will dated 22.04.2021 executed by the deceased Santhanalakshmi, who



O.P. No. 599 of 2023

died on 04.05.2021.

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2. The petitioner is the named executor under the Will. The respondents /beneficiaries are the brother's son of the deceased. It is stated that they had also filed consent affidavit.

3. The learned counsel stated that there are no legal heirs available who have caveable interest.

4. The petitioner had examined himself as P.W.1 and he produced Ex.P1, which is the original Will dated 22.04.2021 and the death certificate of the testatrix as Ex.P2. Ex.P3 is the copy of the legal heirship certificate of her husband, Selvaraj. P4 is the copy of the legal heirship certificate of the testatrix, Santhanalakshmi, wherein the names of the two respondents are given. The documents relating to the properties have also been marked as Exhibits.

5. The two attesting witnesses were also examined as P.W.2 and P.W.3, who affirmed the fact that they were present at the time when the Will was executed and that both the attesting witnesses had signed in the



O.P. No. 599 of 2023

Will and they also signed in the presence of the testatrix who also signed in their presence. They also identified the Will.

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

17.04.2024

Index :Yes/No

Maya



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O.P. No. 599 of 2023

C.V.KARTHIKEYAN,J.

Maya

O.P.No.599 of 2023

17.04.2024