



WEB **RMT.TEEKAA RAMAN,J.,**

This original petition has been filed taking advantage of Sections 222 and 276 of the Indian Succession Act, 1925 along with relevant rules of the Original Side of Madras High Court seeking grant of Will annexed of D.Masilamani, who had died on 14.04.2004. The property is situated within the jurisdiction of this Court.

2. The petitioner is the executor of the Will.

3. The petitioner's father in law D.Masilamani passed away on 14.04.2004 at Maya Nursing Home, Ashok Nagar, Chennai - 600 083. The deceased was originally a resident of Chennai and he was residing at No.17/15, Kamaraj Street, Ethiraj Nagar, West Mambalam, Chennai - 600 033.

4. The petitioner's father in law (Testator) D.Masilamani, passed away on 14.04.2004, left behind the following persons as his surviving legal heirs.

1.	Mrs.M.Ramba	1st Respondent	Wife
2.	Mrs.R.Mynavathi @ Meena	2nd Respondent	Daughter
3.	Mrs.C.Vijaya	3rd Respondent	Daughter
4.	Mrs.R.Bagyavathi	4th Respondent	Daughter
5.	Mr.M.Velu	5th Respondent	Son
6.	Mr.M.Raja	6th Respondent	Son

5. Paper Publication has been effected.



6. The legal heirs of the deceased Masilamani were added as a party viz., A1 to A6.

7. The consent affidavit has been filed. P.W.1 was examined and Exs.P1 to P5 were marked.

8. The following documents were marked through P.W.1. are as follows:

<i>Sl. No.</i>	<i>Exhibits</i>	<i>Documents</i>
1.	Ex.P1	Original registered Will and Testament dated 05.12.1994 executed by Mr.D.Masilamani
2.	Ex.P2	The death certificate of Mr.D.Masilamani
3.	Ex.P3	The photocopy of the legal heir ship certificate of Mr.D.Masilamani
4.	Ex.P4	The photocopy of the sale deed dated 29.01.1972 executed in favour of Mr.D.Masilamani
5.	Ex.P5	The affidavits of assets showing the net value of the estate as Rs.1,00,00,000/-

9. The attester of the Will was examined as P.W.2. Mr.M.Raja, Mrs.M.Ramba, Mr.M.Velu and Mrs.C.Vijaya has been available on record.

10. Perused the evidence and there is no cross examination and hence, I am inclined to grant of Will.

11. Taking into consideration of the pleadings, the execution of the



Will has been proved in the manner known to law as contemplated under the Indian Succession Act and Indian Evidence Act and there is no impediment for grant of Will itself and hence, I am inclined to grant probate in favour of the petitioners.

12. Taking the evidence into consideration and the documents produced, the Original Petition stands allowed and the probate to be issued to the petitioner in accordance with rules.

09.09.2024

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