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O.P. No.793 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.07.2024

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

O.P. No.793 of 2023

V.N.Venkataraman

... Petitioner

Vs.

1.V.Murali

2.M.S.Venkatasubramanian

3.M.S.Vaidyanathan

4.M.S.Swaminathan

... 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 petitioner to prove the Will in common form and that probate thereof, to have effect throughout the whole of Union of India or limited to the State of Tamil Nadu, may be granted to him.

For Petitioner : Dr.P.Vasudevan

ORDER

The petition has been filed seeking probate of the Will dated 30.09.2017, registered as document No.47/2017 in the office of the Sub-Registrar, Ashok Nagar, Chennai, executed by one Mrs.V.Alamelu who died on 26.01.2022.



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2. The petitioner is the named executor under the Will. The respondents are the beneficiaries and they have given their consent affidavits.

3. After following the due procedure, the petitioner was directed to tender evidence. Accordingly, the petitioner examined himself as P.W.1 and the original registered Will dated 30.09.2017 was marked as Ex.P1. The documents relating to the property bequeathed under the Will was marked as Ex.P2. The death certificate of Mrs.V.Alamelu was marked as Ex.P3. The receipts of the bank deposits were marked as Exs.P5, P6 and P7. The petitioner also examined one Mr.G.G.Sivakumar as P.W.2. who is the one of the attestors of the Will. He stated that the Will was signed by the testatrix in his presence and in the presence of the other attestor Mr.M.V.Srinivasan. He has filed an affidavit in this regard which was marked as Ex.P9.

4. Taking into consideration the nature of the evidence recorded and the documents produced, this Original Petition stands allowed by granting probate of the last Will and Testament dated 30.09.2017 of late



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Mrs.V.Alamelu, the testatrix, to the petitioner to have effect throughout the whole of Union of India or limited to the State of Tamil Nadu.

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Index :Yes/No
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APPENDIX

Petitioner's witness:

P.W.1 – Mr.V.N.Venkataraman

P.W.2 - Mr.G.G.Sivakumar

Documents marked:

<i>Exhibits</i>	<i>Documents</i>
P1	the original Will dated 30.09.2017 executed by Mrs.V.Alamelu.
P2	the photocopy of the sale deed dated 21.02.1994 executed in favour of Mrs.V.Alamelu.
P3	the computer generated death certificate of Mrs.V.Alamelu.
P4	the certificate under Section 65B of the Indian Evidence Act, 1872.
P5	the photocopy of the Union Bank of India passbook bearing A/c.No.352102010009853 held by Mrs.V.Alamelu.
P6	the photocopy of the Indian Bank passbook bearing A/c.No.400987159 held by Mrs.V.Alamelu.
P7	the photocopy of the Canara Bank joint fixed deposit receipt dated 12.12.2018 stands in the name of Mrs.V.Alamelu and Mr.V.N.Venkataraman.
P8	the affidavit of assets showing the net value of the estate as Rs.40,00,000/-.
P9	the affidavit of the attesting witness Mr.G.G.Sivakumar.

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C.V.KARTHIKEYAN, J.

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