



WEB COPY



O.P.No.838 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **15.04.2024**

CORAM

THE HONOURABLE MS.JUSTICE C.V.KARTHIKEYAN

O.P. No. 838 of 2023

M.Bargavi

... Petitioner

PRAYER: Original Petition filed under Sections 222 and 276 of the Indian Succession Act, 39 of 1925, read with Order XXV Rule 4 of O.S. 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. G.Thangavel

ORDER

The Original Petition has been filed seeking grant of probate of a Will dated 10.06.2002 executed by the deceased Kalyani Natarajan, who died on 23.11.2004.

2. There are two executors named in the Will namely the petitioner herein and Sarojini Varathappan, who was the President of



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Women's India Association. The petitioner is the Honorary Secretary of the Women's India Association. The other executor Sarojini Varathappan had died on 17.10.2013. It is stated that she had dealt with the Will and consequent to her death, the petitioner had now taken over the responsibility and burden of proving the Will in its true form.

3. The petitioner had examined herself as P.W.1 and she produced Ex.P1, which is the original Will dated 10.06.2002 and the death certificate of the testatrix as Ex.P2. The death certificate of the other executor of the Will, Sarojini Varadappan had been marked as Ex.P3. One of the attestor had died and his death certificate has been marked as Ex.P4. Affidavit of assets have been marked as Ex.P9. She also produced Ex.P10, which is a copy of the sale deed dated 25.10.1951 with respect to the property.

4. The petitioner also examined as P.W.2, K.Gnana Gurubaran, who was one of the attesting witness and who affirmed the fact that he and the other witness was present at the time when the Will was executed



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and that both the attesting witnesses had signed in the Will and they also signed in the presence of the testatrix who also signed in their presence.

He also identified the Will.

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

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Index :Yes/No

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C.V.KARTHIKEYAN,J.

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