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O.P.No.173 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **27.06.2024**

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

O.P. No. 173 of 2024

Anand Mani

... Petitioner

Vs.

1.Manjula Mani

2.Arun Mani

... Respondents

PRAYER: Original Petition filed under Sections 222 & 276 of the Indian Succession Act under Order XXV, Rule 4 of the Original Side Rules prove the Will of late Mrs.Nagambal Subramanian dated 12.09.2012 (registered as Doc.No.78/2012, Book III, SRO-Anna Nagar) in common form, and to grant him the probate thereof to have effect throughout the Union of India.

For Petitioner : Mr.S.Mothilal

For Respondents : Mr.A.E.Gopinath

ORDER

The petition has been filed seeking probate of the Will dated



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12.09.2012 registered as Document No.78/2012 in the Sub-Registrar Office at Anna Nagar which had been executed by the mother of the petitioner and the respondents, Nagambal Subramanian, who died on 12.03.2023.

2. The petitioner is the executor under the Will. The respondents are the beneficiaries under the Will. The properties have been described in the schedule to the petition.

3. After following due procedure, the petitioner was directed to tender evidence and accordingly, he examined himself as P.W.1. He marked the original registered Will as Ex.P7 and the death certificate and legal heirship certificate of his mother Nagambal Subramanian as Exs.P8 and P9. The documents relating to the properties were marked as Exs.P1-P5. The respondents are sister and brother. They have not raised any objections. The petitioner also examined as P.W.2, Mr.Sankaranarayanan, who is the second attester to the Will. He identified the Will and also stated that both the attestors and the testatrix



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signed the Will in the presence of each other. His affidavit has been marked as Ex.P14.

4. Taking into consideration the nature of the evidence adduced and documents produced, this Original Petition stands allowed. Registry to issue probate to the petitioner in accordance with rules.

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Index :Yes/No
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APPENDIX

Petitioner's witness:

P.W.1 – Mr.Anand Mani

P.W.2 – Mr.Sankaranarayanan

Documents marked:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Photocopy of the Term Deposit advice of SBI bearing A/c.No.36504763769 stands in the name of Mrs.Nagambal Subramanian (witness states that the original has been deposited with the concerned Bank. This document is marked subject to its admissibility, proof and relevancy).



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<i>Exhibits</i>	<i>Documents</i>
Ex.P2	Photocopy of the Term Deposit advice of SBI bearing A/c.No.39673985379 stands in the name of Mrs.Nagambal Subramanian (Witness states that the original has been deposited with the concerned Bank. This document is marked subject to its admissibility, proof and relevancy).
Ex.P3	Downloaded copy of the statement of depository services in respect of the shares held by Mrs.Nagambal Subramanian in Motilal Oswal Financial Services Limited bearing Client ID: 1201090010838431.
Ex.P4	Photocopy of the share certificate issued by Co-operative Housing Society Limited in the name of Mrs.Nagambal Subramanian dated 12.03.1983 (compared with the original).
Ex.P5	Photocopy of the patta dated 20.06.2001 stands in the name of Mrs.Nagambal Subramanian (compared with the original).
Ex.P6	Photocopy of the Aadhaar Card of Mrs.Nagambal Subramanian (compared with the original).
Ex.P7	Original registered Will dated 12.09.2012 executed by Mrs.Nagambal Subramanian.
Ex.P8	Computer generated death certificate of Mrs.Nagambal Subramanian.
Ex.P9	Photocopy of the legal heirship certificate of Mrs.Nagambal



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<i>Exhibits</i>	<i>Documents</i>
	Subramanian (compared with the original).
Ex.P10	Photocopy of my Aadhaar Card (compared with the original).
Ex.P11	Photocopy of the Aadhaar Card of the 1 st respondent (compared with the original).
Ex.P12	Photocopy of the Aadhaar Card of the 2 nd respondent (compared with the original).
Ex.P13	Affidavit of assets showing the net value of the estate as Rs.11,85,46,965/-.
Ex.P14	Affidavit of Mr.Sankaranarayanan, P.W.2, second attester of the Will.

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