



O.P.No.26 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.04.2024

CORAM

THE HONOURABLE MS.JUSTICE C.V.KARTHIKEYAN

O.P. No. 26 of 2024

K.R.Visalakshy

... Petitioner

Vs.

1.K.R.Suresh Babu
2.K.R.Krishna Prasad

... 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 O.S. Rules to grant permission to the petitioner to prove the Will dated 13.04.2000 in common form, and that probate thereof, to have effect limited to the State of Tamil Nadu.

For Petitioner : Mr. S.Sathyaganesh

ORDER



O.P.No.26 of 2024

The Original Petition has been filed seeking grant of probate with respect to a Will dated 13.04.2000 executed by the late husband of the petitioner, by name K.Ramamurthy, who died on 18.11.2019.

2. The 1st and 2nd respondents are the sons of the petitioner. They have granted consent for grant of probate. The petitioner claims that she and the two respondents are the only surviving legal heirs of the deceased K.Ramamurthy/her husband.

3. After following due process, the petitioner examined herself as P.W.1. The original unregistered Will dated 13.04.2000 was marked as Ex.P1 and the death certificate and legal heirship certificate of K.Ramamurthy were marked as Exs.P2 and P3 respectively. The document relating to the property was marked as Ex.P4. Quite apart from the petitioner, P.W.2 was also examined, who was one of the attesting witnesses. He identified Ex.P1 and stated that it was signed by the testator in his presence and in the presence of the other attesting witness who also signed the Will in the presence of the executor at the same time.



O.P.No.26 of 2024

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4. Taking all the factors into consideration, the Original Petition stands allowed. Registry to issue probate in accordance with rules.

16.04.2024

Index :Yes/No

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O.P.No.26 of 2024

C.V.KARTHIKEYAN,J.

gsa

O.P.No.26 of 2024

16.04.2024