



WEB COPY

O.P.No.532 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **25.03.2025**

CORAM

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**

O.P.No.532 of 2024

G.Arumugam

...Petitioner

VS.

1.Jamuna Bai
2.V.Backiyalakshmi
3.R.Premavathy
4.G.Mohanarangan

...Respondents

PRAYER: Original Petition filed under Section 222 and 276 of Indian Succession Act, 1925 read with Order XXV Rule 4 of O.S.Rules, prays that he may be permitted to prove the Will in common form and that Probate thereof to have effect limited to the State of Tamil Nadu may be granted to him.

For Petitioner : Mr.K.Natarajan

For Respondents : No appearance

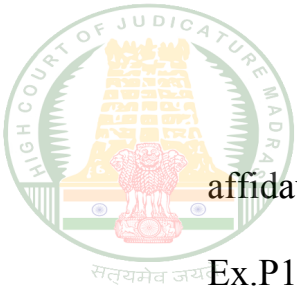
**ORDER**

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This Original Petition has been filed for issuance of Probate for the Last Will and testament dated 11.03.2002 executed by Late.G.Pushpavathy (@) Pushpammal, who died on 12.06.2017. The petitioner has been appointed as executor under the above said Will dated 11.03.2002.

2. The petitioner and the respondents are the children of the Testatrix. The petitioner and his wife Late.Mrs.A.Kalaimathi who died on 21.03.2023 holds the life interest of the schedule properties under the Will and after their lifetime it devolves to the first respondent as the beneficiary named in the said Will. The respondents R2 to R4 have filed their consent affidavits expressing their consent for the grant of probate.

3. The petitioner has been examined as PW1 and has produced documents which are marked as Ex.P1 to Ex.P13. He has produced the death certificates of the testatrix Late.Mrs.G.Pushpavathy and Late.Mrs.A.Kalaimathi as Ex.P4 and Ex.P7. The Legal heir certificate of testatrix as Ex.P6. The original will dated 11.03.2002 as Ex.P3. The consent



affidavits of the respondents R2 to R4 are marked as Ex.P11, Ex.P12 and Ex.P13 respectively.

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4. Mrs. Premavathy the third respondent who is also the first attesting witness to the said Will has been examined as PW2. The attesting witness had spoken about the execution of the Will by the testatrix and its attestation by her and marked her affidavit as Ex.P14.

5. The assertions in the petition have been duly proved by adducing oral evidence supported by documents. In these circumstances, the petitioner is entitled to the relief.

6. In view of the said evidence, the execution of Will stands proved. Hence, the Original Petition is allowed granting probate of the last Will and testament dated 11.03.2002.

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Index :Yes/No



Petitioner's witness:

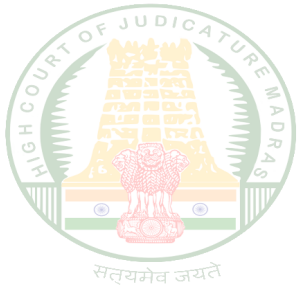
P.W.1 – Mr.G.Arumugam

P.W.2 – Mrs.Premavathy

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Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Certified copy of the deed of settlement dated 04.03.1957.
Ex.P2	Computer generated copy of the death certificate of A.Ponnusamy Mudaliar issued on 30.12.2023.
Ex.P3	Original Will dated 11.03.2002.
Ex.P4	Computer generated copy of the death certificate of G.Pushpavathy issued on 09.07.2017.
Ex.P5	Original death certificate of V.Govindasamy issued on 05.09.1995.
Ex.P6	Original legal heir certificate of G.Pushpavathy dated 04.04.2018.
Ex.P7	Computer generated copy of the death certificate of A.Kalaimathy issued on 13.04.2023.
Ex.P8	Photocopy of the Aadhar Card of the petitioner G.Arumugam (Original is produced, compared and returned to the petitioner's counsel)
Ex.P9	Photocopy of the Aadhar Card of the 1 st respondent beneficiary. (Original is produced, compared and returned to the petitioner's counsel)
Ex.P10	Affidavit of assets wherein net value of the asset is Rs.25,00,000/-
Ex.P11	Consent affidavit of Mrs.V.Backiyalakshmi, the 2 nd respondent.
Ex.P12	Consent affidavit of Mrs.Premavathy, the 3 rd respondent.



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<i>Exhibits</i>	<i>Documents</i>
Ex.P13	Consent affidavit of Mr.G.Mohanarangan, the 4 th respondent.
Ex.P14	Affidavit.
Ex.P15	Photocopy of the Aadhar card of the 1 st attesting witness.

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K.KUMARESH BABU, J.

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