



WEB COPY

O.P.No.554 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **14.02.2025**

CORAM

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

O.P.No.554 of 2024

Mrs.D.Premavathy

...Petitioner

VS.

Mrs.Thulasibai

...Respondent

PRAYER: Original Petition filed under Sections 22 and 276 of the Indian Succession Act & under Order XXV Rule 4 of the Original Side Rules for Probate of a Will, prays:

(a) That she may be allowed to prove the will in common form, and that probate thereof, to have effect throughout the whole of the State of Tamil Nadu, may be granted to her.

For Petitioner : Mr.G.K.R.Pandiann

For Respondent : No appearance

ORDER

This Original Petition has been filed for issuance of Probate for the Last Will and testament dated 26.05.1982 executed by Late.R.Radhabai, who died on 22.12.2014. The testator has appointed her younger daughter, the petitioner as executor under the will.

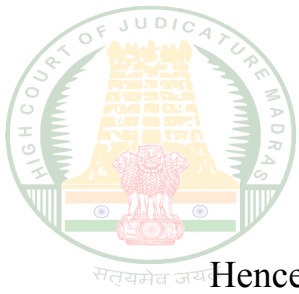


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2. The petitioner and respondent are the daughters of the testatrix and the only surviving legal heirs of the testatrix. The respondent inspite of service of notice has remained absent and kept herself away from her proceedings. But however she has been examined as PW2 as being one of the attester of the will.

3. The petitioner has examined herself as PW1. She has produced the death certificates of Late.R.Radhabai as Ex.P2. The original will dated 26.05.1982 as Ex.P1. The legal heir certificate of the testatrix as Ex.P3. On perusal of Ex.P3, it shows that the petitioner and respondent are the only surviving legal heirs of the testatrix.

4. Mrs.Thulasibai, who is the first attesting witnesses to the said Will has been examined as PW2. The attesting witness spoken about the execution of the Will by the testatrix and its attestation by her and marked her affidavit as Ex.P7.



5. 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 26.05.1982.

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Index :Yes/No

Petitioner's witness:

P.W.1 - Mrs.D.Premavathy

P.W.2 – Mrs.Thulasibai

Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Original Will dated 26.05.1982 executed by Mrs.R.Radhabhai.
Ex.P2	Computer generated death certificate of Mrs.Radhabhai.
Ex.P3	Computer generated legal heir ship certificate of Mr.Radha Bhai.
Ex.P4	Photocopy of my Aadhaar Card (Compared with the original)
Ex.P5	Certificate under Section 65 B of the Indian Evidence Act, 1872.
Ex.P6	Affidavit of assets showing the net value of the estate as Rs.48,00,000/-
Ex.P7	My affidavit as attesting witness.
Ex.P8	Photocopy of my Aadhaar Card (Compared with the original)

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