



WEB COPY

O.P.No.327 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **01.04.2025**

CORAM

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

O.P.No.327 of 2024

Philomina George Morris

...Petitioner

VS.

Arthur David Morris

...Respondent

PRAYER: Original Petition filed under Section 222 and 276 of the Indian Succession Act, 1925 (Act XXXIX of 1925) read with Order XXV Rule 4 of the Original Side Rules, 1956, prays that they may be allowed to prove the Will in common form and that probate thereof to have effect throughout the whole of the Union of India may be granted to them.

For Petitioner : M/s.S.Sruthi

For Respondent : M/s.Swetha Sridhar.E

ORDER

This Original Petition has been filed for issuance of Probate for the Last Will and testament dated 18.12.2012 executed by Late.Mr.David Roy Morris, who died on 23.02.2023. The petitioner has been appointed as executor under the Will.



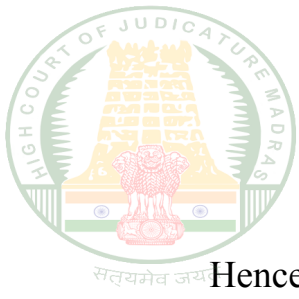
WEB COPY

2. The petitioner and the respondent are the wife and son of the testator respectively. The petitioner is the absolute beneficiary named in the said Will of the testator. The respondent has filed his consent affidavit expressing his consent for the grant of probate.

3. The petitioner has been examined as PW1. She has produced the photocopy of the death certificate of Late.David Roy Morris as Ex.P2. The original last will and the testament of testator dated 18.12.2012 as Ex.P1. The consent affidavit of the respondent has been marked as Ex.P10.

4. Mrs.J.Krithika and Mrs.R.Mahalakshmi, who was the first and second attesting witness to the said Will has been examined as PW2 and PW3 respectively. The attesting witnesses have spoken about the execution of the Will by the testator and its attestation by him and they have marked their affidavits as Ex.P11 and Ex.P12.

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 18.12.2012.

01.04.2025

kak

Index: Yes/No

Petitioner's witness:

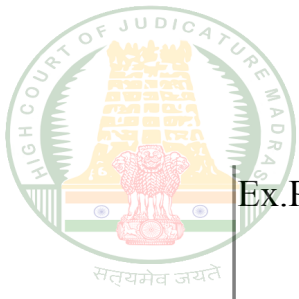
P.W.1 - Mrs.Philomina George Morris

P.W.2 – Mrs.J.Krithika

P.W.3 – Mrs.R.Mahalakshmi

Documents exhibited by the petitioners:

Exhibits	Documents
Ex.P1	Original last Will and Testament of David Roy Morris dated 18.12.2012.
Ex.P2	Photocopy of the death certificate of David Roy Morris died on 23.02.2023.
Ex.P3	Photocopy of the sale deed registered as Doc.No.3760/2008 before SRO, Kundrathur in respect of Malees Garden dated 24.04.2008 (Original is produced, compared and returned to the petitioner's counsel)
Ex.P4	Photocopy of the sale deed registered as Doc.No.3758/2008 before SRO, Kundrathur in respect of Malees Garden dated 24.04.2008 (Original is produced, compared and returned to the petitioner's counsel)
Ex.P5	Photocopy of the sale deed registered as Doc.No.3757/2008 before SRO, Kundrathur in respect of Malees Garden dated 24.04.2008 (Original is produced, compared and returned to the petitioner's counsel)
Ex.P6	Photocopy of the sale deed registered as Doc.No.3759/2008 before SRO, Kundrathur in respect of Malees Garden dated 24.04.2008 (Original is produced, compared and returned to the petitioner's counsel)



WEB COPY

O.P.No.327 of



Ex.P7	Photocopy of the sale deed registered as Doc.No.3914/2016 before SRO, Chenmmanganad in respect of Nedumbasery Village, Ernakulam District dated 12.12.2016 along with the translated copy.
Ex.P8	Photocopy of the bank statement for the period from 01.04.2022 to 31.03.2023.
Ex.P9	Affidavit of assets wherein the net value of the assets is Rs.1,71,33,804.21/-.
Ex.P10	Consent affidavit of Mr.Arthur David Morris/the respondent.
Ex.P11	Affidavit.
Ex.P12	Affidavit.

01.04.2025

kak

K.KUMARESH BABU, J.



WEB COPY

O.P.No.327 of



kak

O.P.No.327 of 2024

01.04.2025