



O.P. No.293 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2025

CORAM :

THE HONOURABLE MR.JUSTICE P.DHANABAL

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1. P. Uma Mahesh

2. P. Gurunath

... Petitioners

VS.

1.P. Ananthanarayana

2. P. Giri Prakash

3. P. Hemanth @ Hemanth Kumar

4. P.B.S. Shree Charitha

5. P.B.S. Nithya

... Respondents

PRAYER: Original Petition is filed under Section 222 and 276 of the Indian

Succession Act 1925 and under Order XXV Rule 4 of Madras High Court

Original Side Rules for issuing Probate.

For petitioners : Mr. R. Sundaramurthy

For respondents :

R1 to R3 : Notice served - No appearance.

R4 and R5 : Set exparte.

ORDER

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This petition has been filed under Section 222 and 276 of the Indian Succession Act read with Order XXV Rule 4 of Madras High Court Original Side Rules seeking to grant Probate of the Will dated 07.05.2004 executed by Late P. Krishnaiah to have effect through out Union of India.

2. According to the petitioners, one Mr. P. Krishnaiah is the father of the petitioners and he died on ~~22.09.2022~~. The father of the petitioners, through his 1st wife got three sons namely 1. P. Balasubramaniam, P. Ananthanarayana and 3. P. Giri Prakash and through his 2nd wife got three sons namely 1. P. Uma Mahesh, 2. P. Gurunath and 3. P. Hemanth @ Hemanth Kumar. Among the said 6 sons, Mr. P. Balasubramaniam died on ~~12.02.1994~~ leaving behind his wife and daughter namely P.B.S. Shree Charitha and P.B.S. Nithya as his legal heirs. Both the wives of the deceased P. Krishnaiah died in the year 1962 and on ~~12.02.1994~~ respectively. The deceased P. Krishnaiah had executed a registered Will dated 07.05.2004



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bequeathing the schedule mentioned properties to the petitioners and other

three sons as beneficiaries. The testator has not allotted any right of share to

his eldest son Mr. P. Balasubramaniam and his legal heirs, but he directed the

executors to invest a sum of Rs.75,000/- in Fixed Deposit in any Nationalised

bank till the 5th respondent attains majority either out of his estate or by

raising loans over any of the immovable properties, after his life time. The

net amount of the schedule mentioned properties would not exceed

Rs.1,40,00,000/-. The testator had appointed the petitioners as the executors

of the Will and they are the beneficiaries of the said Will. Except the

petitioners and the respondents, there are no other next of kin to the testator to

be impleaded.

3. The petitioners had undertaken to duly administer the specified

property and credits of the deceased in any way concerned his Will by paying

the debts first and then the legacies therein bequeathed so far as the assets will

extend and to make full and true inventory thereof and exhibits the same in

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this Court within the six months from the date of the grant of probate to the petitioners and also to render to this Court a true account of the said property within one year from the said date.

4. In order to prove the claim of the petitioners, PW1 and PW2 were examined on the side of the petitioners and Ex.P.1 to Ex.P.16 were marked. PW1, the 1st petitioner herein, in his evidence had narrated the averments made in the petition stating that he has filed this petition for grant of Probate of the Last Will and Testament executed by the deceased Late P. Krishnaiah on 07.05.2004. The said Will and testamant has been marked as 'Ex.P.1'. As the attesting witnesses to the Will are aged persons, an Advocate Commissioner namely S. Malayappan was appointed by this Court to record the evidence of the attesting witness to the Will namely Mr. M. Sudhakarudu and the Commissioner has also recorded the evidence of the attesting witness and filed a report to that effect. The affidavits of the attesting witnesses have also been filed before this Court. Mr. Sudhakarudu, one of the attesting

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witnesses, has deposed that he knows the testator as a friend, that he was present when the testator executed the Will, that the testator was in sound state of mind while executing the Will and he, along with Mrs. Vijayalakshmi, has signed in the Will as attestors. He has also identified the signatures of testator and attestors. Therefore, the execution of the Will and attestation are duly proved in accordance with law. Despite service of notice, the respondents 1 to 3 have not appeared before this Court and the respondents 4 and 5 set exparte.

5. From the averments made in the petition and the petitiner side evidences supported by the documents, it is clear that the petitioners have proved their claim and there is no contra evidence. Hence, this Court is satisfied that the petitioners are entitled to the relief as prayed for in the petition.



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6. In the result, the Original Petition is ***allowed*** and the Will executed by Late Mr. P. Krishnaiah dated 07.05.2004 is hereby probated.

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Index : Yes/No
Speaking Order : Yes/No
mjs

APPENDIX:

List of Petitioner side Witnesses:

PW1 : Mr. P. Uma Magesh

PW2 : Mr. Sudhakarudu

List of Petitioner side Documents:

Exhibit No.	Date	Description of Documents.
Ex.P.1	07.05.2004	Original registered Will executed by Mr. P. Krishnaiah.
Ex.P.2	1	Computer generated Death Certificate of Mr. P. Krishnaiah.



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Ex.P.3	1	Computer generated Death Certificate of Mrs. P. Padmavathy.
Ex.P.4	1	Computer generated Death Certificate of Mr. Balasubramani.
Ex.P.5	1	Computer generated Legal Heirship Certificate of Mr. P. Krishnaiah.
Ex.P.6	19.01.1983	Photocopy of the Sale Deed executed in favour of Mr. P. Krishnaiah.
Ex.P.7.	24.03.1973	Photocopy of the Sale Deed executed in favour of Mr. P. Krishnaiah.
Ex.P.8.	30.04.1969	Photocopy of the Sale Deed executed in favour of Mr. P. Krishnaiah.
Ex.P.9.	04.06.2014	Photocopy of the Sale Deed executed in favour of M/s. Sree Shreenevasa Iron Stores represented by its Proprietor Mr. P. Krishnaiah.
Ex.P.10.	04.06.2007	Photocopy of the Sale Deed executed in favour of Mr. Panchetty Krishnaiah.
Ex.P.11.	10.07.1975	Photocopy of the Sale Deed executed in favour of Mrs. P. Padmavathi.
Ex.P.12	1	Affidavit of assets showing the net value of the estate as Rs.1,40,00,000/-.
Ex.P.13.	1	Certificate under Section 65B of the Indian Evidence Act, 1972.
Ex.P.14	1	Photocopy of the PW1's Aadhar Card.
Ex.P.15	1	Affidavit of PW2.
Ex.P.16	1	Aadhar Card of PW2.



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