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O.P.No.408 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2025

CORAM

THE HONOURABLE DR.JUSTICE **G.JAYACHANDRAN**

O.P.No.408 of 2024

Vaidehi Krishnamurthy

... Petitioner

Versus

D.Bhagyalakshmi

... Respondent

Prayer: Original Petition has been filed under Sections 222 and 276 of the Indian Succession Act, r/w Order XXV Rule 4 of the High Court Madras Original Side Rules, 1956 to prove the Will in common form and that Probate thereof to have effect throughout the Union of India.

For Petitioner : Mr.C.Suraj

For Respondent : Mr.V.Vigneswar

ORDER

This Original Petition is filed by Vaidehi Krishnamurthy/petitioner herein for grant of Probate under Sections 222 and 276 of the Indian Succession Act, r/w Order XXV Rule 4 of High Court Original Side Rules, in respect of the registered *Will* and Testament of Late K.Jayaraman.



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2.Late K.Jayaraman during his life time had acquired properties and had executed a Will on 04.03.2023. He died on 10.10.2023, leaving behind his wife and unmarried son as his Class I heirs. Under the Will, the sister of the testator was appointed as an executor to fulfill the wishes of the deceased K.Jayaraman as expressed in his Will. His only son, T.J.Rajaraman, died on 15.11.2023 as a Bachelor. The sole legal heir is the respondent. In the petition filed seeking Probate by the named executor, the executor given an undertaking that she will duly administer the property and credits of the testator, discharge his debts, if any, and then, bequeath the assets as mentioned in the Will. She also given an undertaking that she will make true investment within six months from the date of grant of probate and render true accounts of the said property and credits within one year from the date of grant of probate.

3.To substantiate her claim, the executor has mounted the witness box and examined as PW.1. She has filed a proof affidavit and marked the following 17 documents as Ex.P1 to Ex.P17.

<i>Sl.No.</i>	<i>Exhibits</i>	<i>Documents</i>
1	P.1	Original unregistered Will dated 04.03.2023 executed by Mr.K.Jayaraman
2	P.2	Computer Generated death certificate of Mr.K.Jayaraman
3	P.3	Computer Generated death certificate of Mr.T.J.Rajaraman



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<i>Sl.No.</i>	<i>Exhibits</i>	<i>Documents</i>
4	P.4	Computer Generated legal heir ship certificate of Mr.K.Jayaraman
5	P.5	Computer Generated legal heir ship certificate of Mr.T.J.Rajaraman
6	P.6	Photocopy of the trust deed dated 04.03.2023
7	P.7	Photocopy of the sale deed dated 11.09.2000 executed in favour of Mr.K.Jayaraman
8	P.8	Photocopy of the gift deed dated 06.01.2004 executed in favour of Ms.K.Vaidehi
9	P.9	Photocopy of the first page of City Union Bank Ltd passbook bearing A/c.No.113001000558315 standing in the name of Mr.K.Jayaraman
10	P.10	Photocopy of the first page of Dhanlaxmi Bank Ltd passbook bearing A/c.No.014903000000177 standing in the name of Mrs.D.Bhagyalakshmi and Mr.K.Jayaraman
11	P.11	Photocopy of the first page of State Bank of India passbook bearing A/c.No.20002686327 standing in the name of Mr.K.Jayaraman/Bhagyalakshmi Devaraja Iyer/T.J.Rajaraman
12	P.12	Photocopy of the first page of Indian Bank passbook bearing A/c.No.426057590 standing in the name of Mr.K.Jayaraman
13	P.13	Photocopy of the first page of Axix Bank Ltd passbook bearing A/c.No.074010100175111 standing in the name of Mr.K.Jayaraman
14	P.14	Photocopy of the first page of Bank of Baroda passbook bearing A/c.No.05280100002073 standing in the name of Mr.K.Jayaraman
15	P.15	Photocopy of the post office savings account passbook bearing A/c.No.3959913131 standing in the name of Mr.K.Jayaraman and Mrs.D.Bhagyalakshmi
16	P.16	Affidavit of assets showing the net value of the estate as Rs.2,21,50,000/-
17	P.17	Affidavit under Section 65 B of the Indian Evidence Act, 1872.

4.Through the due execution of the Will, the petitioner has examined both attesting witnesses as PW2 and PW3. The attesting witnesses, apart from affidavit, had also deposed that they were present, when the testator affixed his



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signature in the Will and the testator was in a good state of mind and health on the date of execution of the Will. The documents marked as exhibits are sufficient to prove the factum of execution of the Will marked as Ex.P1, death of K.Jayaraman leaving behind his wife and son, later, the death of his son intestate. The trust deed marked as Ex.P6 is dated 04.03.2023, in which, the testator is the settlor. As per the Will, substantiate portions of the property should go to the corpus of the trust and remaining assets for other charitable purpose. Their affidavits and Aadhaar cards were marked as Exs.P.18 to P.21 respectively.

5. The following four documents were marked through Mr.V.Kamakoti and Mrs.Renuka, as PW.2 and PW.3:

<i>Sl.No.</i>	<i>Exhibits</i>	<i>Documents</i>
1	P.18	Affidavit of attesting witness of Mr.V.Kamakoti
2	P.19	Photocopy of Mr.V.Kamakoti 's Aadhaar Card
3	P.20	Affidavit of attesting witness of Mrs.Renuka
4	P.21	Photocopy of Mrs.Renuka's Aadhaar Card

6.Considering the fact that due execution of the Will as required under Section 67 of BSA Act being satisfactorily proved by the petitioner herein, who is the executor, the petition for grant of probate under the Will of late K.Jayaraman is hereby allowed.



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7.The petitioner shall render to this Court a true account of the properties and credits within one year from the date of grant of Probate.

8.Accordingly, the petition for the grant of probate to the petitioner/Vaidehi Krishnamurthy, the named executor under the *Will* of K.Jayaraman is allowed.

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Index: Yes/No

Internet: Yes

Speaking/Non Speaking

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DR.G.JAYACHANDRAN, J.

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