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O.P. No. 81 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 17.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE K. KUMARESH BABU

O.P. No. 81 of 2024

G. Velayudham

... Petitioner

Vs.

1.Gowrishankar Vennila

2.K.V.Thenneela

... Respondents

PRAYER: Original Petition is filed under Section 222 & 276 of Indian Succession Act, 1925 r/w. Order XXV, Rule 4 of Original Side Rules, prays:

a. that the petitioner may be allowed to prove the Will of T.P.Gowrishankar (deceased) dated 01.07.2015 in common form, and that of probate thereof, to have effect limited to the State of Tamil Nadu, may be granted to him.

b. for such other relief as this Court may deem fit.

For Petitioner : Mr. S. Nagarajan

For Respondents : Mr. S. Kuberapandiyan

ORDER

This Original Petition has been filed for issuance of Probate for the Last Will and testament dated 01.07.2015 executed by Mr.T.P.Gowrishankar, who died on 21.10.2020. The petitioner has been



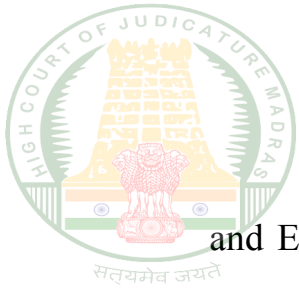
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appointed as executor under the Will.

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2. The petitioner submits that the testator had got married to one Mrs.G.Devaki and the couple had begotten the petitioner and the respondents 1 and 2 as their children. The petitioner further submits that the testator before his death had executed a Will on 01.07.2015 which is registered as Document No.36 of 2015 of Book-III in SRO T-Nagar. The petitioner submits that under the Will stated *supra*, the testator had granted the life interest in both the movable and immovable properties which are described more fully in the Will, in favour of his wife Mrs.G.Devaki and after her death the properties would devolve upon the petitioner, who is the only son of the testator. The said Mrs.G.Devaki died on 20.07.2022, thereby leaving the petitioner as the sole and absolute beneficiary of the Will.

3. The petitioner has been examined as PW1, he has produced 8 documents to support his deposition which are listed as Ex.P1 to Ex.P8 at the foot of the order. He has produced the Original Will dated 01.07.2015 executed by the testator as Ex.P1. The computer generated Death certificates of the testator and his wife, G.Devaki has been marked as Ex.P2



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and Ex.P4 respectively. The computer generated Legal Heirship certificate of the testator has been marked as Ex.P3 and the perusal of the same proves that the petitioner and the respondents are the legal heirs of the testator. The perusal of the Ex.P1 substantiates the claims made in the petition that the petitioner is the absolute beneficiary named under the said will and he is also the executor of the Will appointed by the testator. The general paper publication has been recorded as effected vide order dated 15.07.2024 and no objections have been received for the same.

4. Mr.N.G.Srinivasa Raghavan, who was 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 testator in the presence of both himself and another attesting witness Mr.B.Venkataramana. He has further spoken about the attestation of the Will by him and marked his affidavit as Ex.P10.

5. The learned counsel for the respondent 1 and 2 had appeared on behalf of them and has expressed the consent of the respondents to grant the probate of the Will dated 01.07.2015 in favour of the petitioner.



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6. 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.

7. 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 01.07.2015.

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Index :Yes/No
Neutral Citations: Yes/ No
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List of witnesses examined on the side of the petitioner:

PW1- Mr. G. Velayudham

PW2- Mr. N.G. Srinivasa Raghavan

List of documents marked on the side of the petitioner:

Ex.P1	The original Will dated 01.07.2015 executed by T.P.Gowrishankar.
Ex.P2	The computer generated death certificate of T.P.Gowrishankar along with certificate under 65-B of Indian Evidence Act.
Ex.P3	The computer generated Legal Heirship Certificate of T.P. Gowrishankar along with certificate under 65-B of Indian Evidence Act.
Ex.P4	The computer generated death certificate of G.Devaki along with certificate under 65-B of Indian Evidence Act.
Ex.P5	The original legal notice dated 01.09.2022 issued by the 2 nd respondent's counsel to the petitioner.
Ex.P6	The original legal notice dated 21.09.2022 issued by the respondents counsel to the petitioner revoking the legal notice dated 01.09.2022.
Ex.P7	The original legal notice dated 12.12.2022 issued by the 2 nd respondent counsel to the petitioner.
Ex.P8	The office copy of the reply notice dated 10.01.2023 issued by the petitioner to the respondent counsel.
Ex.P9	The affidavit of assets showing the net value of the estate as Rs.61,80,000/-

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