



O.P. No.264 of 2025

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P. DHANABAL,J.,

Today, this matter is listed under the caption “For Being
Mentioned.”

2. Learned counsel appearing for the petitioner brings to the knowledge of this Court that in the order viz., O.P.No.264 of 2025 dated 25.09.2025, in paragraph no.6, the name of the Testator has been wrongly mentioned as V.Lakshmikanthamma instead of M.C.Mahadevan.

3. This Court also perused the records and the Testator's name in the records was mentioned as M.C.Mahadevan. Therefore, the said typographical error has to be corrected.

4. The Registry is directed to carry out the amendment and issue a fresh order copy.



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2025

CORAM :

THE HONOURABLE MR.JUSTICE P.DHANABAL

O.P. No.264 of 2025

D. Sivakumar

... Petitioner

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 petitioner : Mr. Rahul M. Shankhar

ORDER

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 19.07.2009 executed by late Mr. M.C. Mahadevan to have effect limited to the State of Tamil Nadu.



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2. According to the petitioner, one M.C. Mahadevan died on ~~30.04.2011~~ at Venkateswara Hospitals, Nandanam. The deceased M.C. Mahadevan was predeceased by his son Mr. M. Chandrasekaran, who was a physically and mentally handicapped person and he died on ~~10.02.2002~~. The testator had no other issues. The deceased died leaving behind his wife Mrs. Janaki Mahadevan as legal heir. The wife of the deceased also expired on ~~25.02.2024~~. The petitioner had only taken care of the deceased and his wife. The petitioner's father Mr. A.S. Dharmarajan is the testator's brother-in-law. The deceased Mr. M.C. Mahadevan executed a Will dated ~~19.07.2009~~ bequeathing the property more fully described in the schedule and the bequeathed property was subject to a life estate created in favour of the testator's wife Mrs. Janaki Mahadevan, who expired on ~~25.02.2024~~. The petitioner did not proceed with applying for probate of the Will immediately after the death of the testator, as the life estate holder Mrs. Janaki Mahadevan

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was alive till 25.02.2024. Therefore the petitioner, after the death of the said

Mrs. Janaki Mahadevan, has now come forward with the petition for grant of probate. The testator had appointed the petitioner as the executor of the Will dated 19.07.2009, wherein the testator out of love and affection, bequeathed the schedule mentioned property in favour of the petitioner and he is the sole beneficiary of the said Will, as he took care of the testator and his wife during their old age.

3. The amount of assets which is likely to come to the petitioner's hand does not exceed in the aggregate sum of Rs.3,08,10,000/- and net amount of the said assets after deducting all the items, which the petitioner is by law allowed to deduct is only of the value of is Rs.3,08,10,000/-. The petitioner 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 this Court within the six

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

4. PW1 to PW3 were examined on the side of the petitioner and Ex.P.1 to Ex.P.14 were marked. PW1, the 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 M.C. Mahadevan on 19.07.2009. Mr. K. Idayathullah and Mr. M. Prakash, who are the attesting witnesses in the Will, have been examined as PW2 and PW3. In their evidences, they had stated that the testator was in sound state of mind while executing the Will and they had also seen the testator signing the Will and the other attesting witness subscribing his signature in the document. They have also stated that they signed in the Will as attestors in front of each other. The evidences of attesting witnesses not only proved the execution but also the attestation of the Will and there is no

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other material to suspect the Will.

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5. From the averments made in the petition and the depositions of PW1 to PW3 supported by the documents, it is clear that the petitioner has proved his claim and there is no contra evidence. Hence, this Court is satisfied that the petitioner is entitled to the relief as prayed for in the petition.

6. In the result, the Original Petition is ***allowed*** and the Will executed by late V. Lakshmikanthamma dated 19.07.2009 is hereby probated.

25.09.2025

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

APPENDIX:

List of Petitioner side Witnesses:

PW1 : Mr. D. Sivakumar

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PW2 : Mr. K. Idayathullah

PW3 : Mr. M. Prakash

List of Petitioner side Documents:

Exhibit No.	Date	Description of Documents.
Ex.P.1	15.05.1975	Photocopy of the Sale Deed No.790/1975 in favour of Mr. M.C. Mahadevan.
Ex.P.2	-	Photocopy of the ration card of Mr. M.C. Mahadevan's family for the years 1998 - 2003.
Ex.P.3	25.01.2001	Photocopy of the medical opinion pertaining to Mr. M. Chandrasekaran.
Ex.P.4	09.02.2024	Webcopy of the death certificate of Mr. M. Chandrasekaran (Date of Death:10.02.2002).
Ex.P.5	-	Photocopy of the 2 side docket of the ration card of M.C. Mahadevan's family for the years 2005-2009.
Ex.P.6	-	Photocopy of the 2 side docket of the ration card of the petitioner's family for the years 2005-2009.
Ex.P.7	22.03.2007	Photocopy of the legal heirship certificate of Mr. A.S. Dhamarajan.
Ex.P.8.	19.07.2009	Original Will of Mr. M.C. Mahadevan.
Ex.P.9	16.05.2011	Photocopy of the death certificate of Mr.



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		M.C. Mahadevan (Date of death: 30.04.2011).
Ex.P.10.	01.05.2011	Photocopy of the burial ground certificate of Mr. M.C. Mahadevan.
Ex.P.11	20.12.2022	Photocopy of the ration card authorisation application form of Mrs. Janaki Mahadevan in the name of the petitioner.
Ex.P.12	25.03.2024	Webcopy of the death certificate of Mrs. Janaki Mahadevan (Date of death: 25.02.2024).
Ex.P.13	26.02.2024	Photocopy of the burial ground certificate of Mrs. Janaki Mahadevan.
Ex.P.14	10.07.2024	Photocopy of the request from petitioner to Tahsildar, Mylapore for legal heirship certificate of Mrs. Janaki Mahadevan.

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