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O.P.No.247 OF 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2025

CORAM

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

O.P.No.247 of 2024

1.Mrs.P.K.Sakunthala

2.Mr.P.K.Natarajan

... Petitioners

Vs

1.Mrs.C.R.Shamala

2.Mrs.K.Parimala

3.P.K.Latha

4.P.K.Kanchanamala

5.P.K.Chitra

..Respondents

PRAYER: Original Petition filed for Probate under Section 222 and 276 of Indian Succession Act, 1925 r/w.Order XXV Rule 4 of Original Side Rules, prays to allow them to prove the Will in common form and to grant probate thereof to have effect limited to the State of Tamil Nadu to the petitioners.

For Petitioner : M/s.M.Sridevi
for M/s.Sri Shankar Associates

For Respondents : Mr.S.Suresh



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ORDER

This Original Petition has been filed for issuance of Probate for the Last Will and testament dated 01.12.2000 executed by Late.P.V.Kandaswamy, who died on 12.09.2013.

2. The first petitioner is the wife of the testator and the second petitioner and respondents are the children of the testator. The respondents have filed their consent affidavits expressing their consent for grant of probate.

3. The second petitioner has been examined as PW1. He has produced the death certificate of Late.P.V.Kandaswamy as ExP3. The original will dated 01.12.2000 as Ex.P1. The legal heir certificate of the testator as Ex.P4. On perusal of Ex.P4, it shows that the petitioners and respondents are the only surviving legal heirs of the testator. The first respondent has been examined as RW1. She has produced the affidavit of the respondents as Ex.R1 wherein all the respondents acknowledged the receipt of lump sum in accordance with the will dated 01.12.2000. The learned counsel for the



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petitioner has submitted the consent affidavit of the respondents to grant probate in favour of the petitioners.

4. Mr.C.V.Rajagopal, who is the first attesting witnesses to the said Will has been examined as PW2. The attesting witness spoken about the execution of the Will by the testator and its attestation by him and marked his affidavit as Ex.P8.

5. 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 01.12.2000.

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Index :Yes/No

Speaking: Yes/ No

Neutral Citation: Yes/No

Petitioner's witness:

P.W.1 —Mr.P.K.Natarajan

P.W.2 – Mr.C.V.Rajagopal

Documents exhibited by the petitioner :



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<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Original Will dated 01.12.2000 executed by Mr.P.V.Kandaswamy
Ex.P2	Certified copy of the probate order dated 04.02.1960 passed by this court
Ex.P3	Computer generated death certificate of Mr.P.V.Kandaswamy
Ex.P4	Computer generated legal heir ship certificate of Mr.P.V.Kandaswamy
Ex.P5	Affidavit of assets showing the net value of the estate as Rs.74,90,000/-
Ex.P6	Photocopy of Aadhar copy of PW1
Ex.P7	Certificate under Section 65B of the Indian Evidence Act, 1872
Ex.P8	Affidavit of attesting witnesses of PW2
Ex.P9	Photocopy of Aadhar Card of PW2

Respondent witness:

R.W.1 —Mr.C.R.Shamala

Documents exhibited by the respondent :

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Affidavit of the RW1
Ex.P2	Photocopy of Aadhar card of RW1

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