



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **14.03.2025**

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

O.P.No.113 of 2023

1.Rugmani Chidambaram
2.Uma Biswas
(Both are executors of the Will)

...Petitioners

vs.

1.Mrs.Aiyapankav Surbramanian Annam
2.Mrs.Meenakshi Chidambaram (Deceased)
3.Iyer Krishnan Chidambaram
4.Iyer Subramaniam Chidambaram
5.Mr.Lalitha Rapose
(Respondents 3 to 5 brought on record as LR of
the Deceased second respondent and amendment
carried out in as per order dated 30.08.2024 in
A.No.4307 and 4308 of 2024 in O.P.No.113 of 2024)

...Respondents

PRAYER: Original Petition filed under Sections 222 and 276 of the Indian Succession Act 1925 read with Order XXV Rule 4 of the Original Side Rules, praying that the petitioners may be allowed to prove the Will in common form and that the Probate thereof to have effect throughout the whole of the Union of India may be granted to them and such further or other orders this Hon'ble Court deem fit and proper in the circumstances of the case and render justice.

For Petitioners : Mr.J.Sivanandaraaj (Senior Counsel)



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For Mr.N.Senthilkumar

For Respondents : Ms.V.Srinithi Malavika
For Mr.R.Advaith

ORDER

This Original Petition has been filed for issuance of Probate for the Last Will and testament dated 13.06.2009 executed by Late.A.S.Vishwanathan, who died on 02.11.2019. The petitioners and one A.S.Ramchandran have been appointed as executors under the Will. Since, Ramchandran is no more, this present petition has been filed by the petitioners herein.

2. The petitioners are the nieces of the testator and the respondents are the sisters of the testator. The testator had bequeathed all his properties, Estates, shares, securities etc., to the trustees of Venkat Trust to held and dealt with by the said Trustees for the sole and exclusive benefit of his only son. The only son of the testator Mr.V.Venkatraman, who is the sole beneficiary under the said Will died on 31.10.2019 as bachelor, prior to the death of his father. On the demise of his son, the testator directed the executors and trustees to donate the entire corpus, Income for charitable purposes at the sole discretion of the executors and/or the trustees as the case may be. The wife of the testator also predeceased her. During lis pendens, the second respondent who is the sister of the testator died and her legal heirs where brought on



record vide order dated 30.08.2024 in A.No.4307 and 4308 of 2024.

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3. The first petitioner has been examined as PW1. She has produced the death certificates of testator, his wife and his son as Ex.P48, Ex.P43 and Ex.P49. The Legal heir certificate of testator's wife as Ex.P44. The original will dated 13.06.2009 as Ex.P46. On perusal of Ex.P46, the testator appointed the petitioners who are the nieces of the testator as executor. The fourth respondent has been examined as RW1 and he deposed on behalf of R1, R3 and R5. He has produced the Consent Affidavit as Ex.R1.

4. Mrs. Girija Balakrishnan, who was the second 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 and its attestation by him.

5. The assertions in the petition have been duly proved by adducing oral evidence supported by documents. In these circumstances, the petitioners are entitled to the relief.

6. 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 13.06.2009.

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Petitioner's witness:

P.W.1 - Ms.Rugmani Chidambaram (PW1)

P.W.2 – Mrs.Girija Balakrishnan

Documents exhibited by the petitioners:

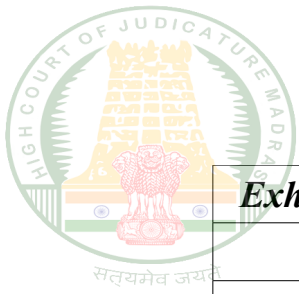
<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Original share certificate no.13512 dated 19.08.1974 held in Kothari Industrial Corporation.
Ex.P2	Original share certificate no.13513 dated 19.08.1974 held in Kothari Industrial Corporation.
Ex.P3	Original share certificate no.13514 dated 19.08.1974 held in Kothari Industrial Corporation.
Ex.P4	Original share certificate no.13515 dated 19.08.1974 held in Kothari Industrial Corporation.
Ex.P5	Original share certificate no.15104 dated 04.06.1975 held in Kothari Industrial Corporation.
Ex.P6	Original share certificate no.15105 dated 04.06.1975 held in Kothari Industrial Corporation.
Ex.P7	Original share certificate no.26205 dated 15.04.1993 held in Travancore Rayons Limited.
Ex.P8	Original share certificate no.26206 dated 15.04.1993 held in Travancore Rayons Limited.
Ex.P9	Original share certificate no.26207 dated 15.04.1993 held in Travancore Rayons Limited.
Ex.P10	Original share certificate no.26208 dated 15.04.1993 held in Travancore Rayons Limited.
Ex.P11	Original share certificate no.122258 dated 23.03.1988 held in Kotari Industrial Corporation.
Ex.P12	Original share certificate no.122259 dated 23.03.1988 held in Kotari Industrial Corporation.
Ex.P13	Original share certificate no.122260 dated 23.03.1988 held in Kotari Industrial Corporation.



Exhibits	Documents
Ex.P14	Original share certificate no.122261 dated 23.03.1988 held in Kotari Industrial Corporation.
Ex.P15	Original share certificate no.122262 dated 23.03.1988 held in Kotari Industrial Corporation.
Ex.P16	Original share certificate no.122263 dated 23.03.1988 held in Kotari Industrial Corporation.
Ex.P17	Original share certificate no.122264 dated 23.03.1988 held in Kotari Industrial Corporation.
Ex.P18	Original share certificate no.122265 dated 23.03.1988 held in Kotari Industrial Corporation.
Ex.P19	Original share certificate no.122266 dated 23.03.1988 held in Kotari Industrial Corporation.
Ex.P20	Original share certificate no.122267 dated 23.03.1988 held in Kotari Industrial Corporation.
Ex.P21	Original share certificate no.26198 dated 15.04.1993 held in Travancore Rayons Limited.
Ex.P22	Original share certificate no.26199 dated 15.04.1993 held in Travancore Rayons Limited.
Ex.P23	Original share certificate no.26200 dated 15.04.1993 held in Travancore Rayons Limited.
Ex.P24	Original share certificate no.26201 dated 15.04.1993 held in Travancore Rayons Limited.
Ex.P25	Original share certificate no.26202 dated 15.04.1993 held in Travancore Rayons Limited.
Ex.P26	Original share certificate no.26203 dated 15.04.1993 held in Travancore Rayons Limited.
Ex.P27	Original share certificate no.26204 dated 15.04.1993 held in Travancore Rayons Limited.
Ex.P28	Original share certificate no.25763 dated 01.07.1999 held in ICDS Limited.
Ex.P29	Original share certificate no.25764 dated 01.07.1999 held in ICDS Limited.
Ex.P30	Original share certificate no.25765 dated 01.07.1999 held in



Exhibits	Documents
	ICDS Limited.
Ex.P31	Original share certificate no.25766 dated 01.07.1999 held in ICDS Limited.
Ex.P32	Original share certificate no.25767 dated 01.07.1999 held in ICDS Limited.
Ex.P33	Original share certificate no.25768 dated 01.07.1999 held in ICDS Limited.
Ex.P34	Original share certificate no.25769 dated 01.07.1999 held in ICDS Limited.
Ex.P35	Original share certificate no.2571 dated 01.07.1999 MPL Finance and Leasing Company Ltd.
Ex.P36	Original share certificate no.2375 dated 23.06.1975 MPL Travancore Rayons Limited.
Ex.P37	Original share certificate no.2374 dated 23.06.1975 Travancore Rayons Limited.
Ex.P38	Original Pass Book – Bank of Baroda (A/c.No.05310100001560)
Ex.P39	Original Pass Book – Bank of Baroda (A/c.No.05310100001897)
Ex.P40	Original Certificate of Balance – Canara Bank (A/c.No.2604101001116)
Ex.P41	Certified copy of the sale deed dated 16.09.1985 executed in favour of late Mr.A.S.Vishwanathan.
Ex.P42	Original House Allotment Circular dated 12.07.1987.
Ex.P43	Computer-generated Death Certificate of A.L.Meenakshi dated 06.12.2021.
Ex.P44	Photocopy of Legal Heir Certificate of A.L.Meenakshi dated 23.08.1996.
Ex.P45	Medical Certificate of Mr.V.Venkatraman dated 29.09.2000.
Ex.P46	Original Will of A.S.Vishwanathan dated 13.06.2009.
Ex.P47	Photocopy of Disability Certificate of Venkatraman dated 29.10.2010.
Ex.P48	Computer generated Death certificate of A.S.Vishwanathan



<i>Exhibits</i>	<i>Documents</i>
	dated 05.08.2021.
Ex.P49	Computer generated Death Certificate of Venkatraman date 09.12.2019.

Respondent's witness:

R.W.1 - Iyer Subramaniam

Ex.R1 is the Consent Affidavit of Aiyapankav Subramanian Annam.

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