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O.P.No.656 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **23.07.2025**

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

O.P.No.656 of 2023

C.R.Kumar

...Petitioner

VS.

1.Malladi Leeleswari Devi
2.Joysula Sivasankari
3.Malladi Lakshmibhuvaneswari

...Respondents

PRAYER: Original Petition filed under Section 222 & 276 of the Indian Succession Act, XXXIX of 1925 and Order XXV Rules 4 of the Original Side Rules, prayed that this Hon'ble Court may be pleased to

a) that he may be allowed to prove the WILL in common form, and that Probate thereof, to have effect throughout State of Tamilnadu and may be granted to him and thus render justice.

b) Grant such other relief or reliefs that this Hon'ble Court may deem fit and proper in the circumstances and thus render justice.

For Petitioner : M/s.Akshaya Kamala

For Respondents : No appearance (For R1 to R3) - Served

ORDER

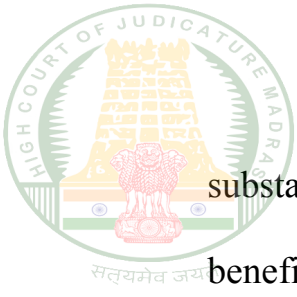
This Original Petition has been filed for issuance of Probate for the Last Will and testament dated 12.04.1990 executed by Mr.C.N.Prasad, who died on 16.10.1990. The petitioner has been appointed as executor under the



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2. The petitioner submits that the testator had gotten married to one Mrs.C.Lalitha Kumari and the couple was blessed with the petitioner and the respondents 1 to 3 as their children. The petitioner further submits that the testator before his death had executed a Will on 12.04.1990. The will deals with both the immovable and movable properties in which the testator had conferred a life interest in certain properties mentioned in the Will upon his wife Mrs.C.Lalitha Kumari and had named his son, the petitioner herein as the sole beneficiary to the Will. The testator had laid down certain contingency in the above said will and the petitioner submits that he has duly complied with the same. The testator had also appointed the petitioner as the sole executor of the will. The petitioner contends that his mother, the wife of the testator Mrs.C.Lalitha Kumari had died on 04.07.2017 leaving behind the petitioner as the sole beneficiary of the will.

3. The petitioner has been examined as PW1, he had produced 8 documents to support his deposition which are listed as Ex.P1 to Ex.P8 at the foot of the order. He had produced the original Will dated 12.04.1990 executed by the testator as Ex.P1. The computer generated death certificate of the testator has been marked as Ex.P4. The perusal of Ex.P1 clearly



substantiates the claims made in the petition that the petitioner is the beneficiary named in the will and he is also the sole executor appointed by the testator himself.

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4. The petitioner has examined Mr.V.Rajkumar who is a third party as PW2 *vide* order dated 27.06.2025 in the Application No.2350 of 2025. He has submits that he is well versed with the signature of the testator and has identified the same in the Original Will which is marked as Ex.P1 and he also has filed his affidavit as Ex.P9 and the photocopy of his aadhar card has been marked as Ex.P10.

5. The service is deemed to be completed on all the respondents through the substituted mode as ordered in the Application No. 1757 of 2024 *vide* order dated 26.03.2024. In spite of the service been completed the respondents kept themselves away from the proceedings.

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 12.04.1990.

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Index :Yes/No

Petitioner's witness:

P.W.1 – Mr.C.R.Kumar

P.W.2 – Mr.V.Rajkumar

Documents exhibited by the petitioners:

Exhibits	Documents
Ex.P1	Original Will dated 12.04.1990 executed by Mr.Chavali Narayana Prasad.
Ex.P2	Photocopy of the sale deed dated 04.04.1935.(Compared with the original)
Ex.P3	Certified of the sale deed dated 25.09.1973 executed in favour of Mr.C.N.Prasad (Witness states that this sale deed was executed in favour of his father and the original of the same is with his sister who refused to give. This document is marked subject to its admissibility, proof and relevancy.)
Ex.P4	Computer generated death certificate of Mr.C.Narayana Prasad.
Ex.P5	Computer generated legal heir ship certificate of Mrs.Lalitha Kumari.
Ex.P6	Affidavit of assets showing the net value of the estate as Rs.80,80,27,680/-
Ex.P7	Photocopy of Aadhaar Card of P.W.1(Compared with the original)
Ex.P8	Certificate under Section 65 B of the Indian Evidence Act, 1872.
Ex.P9	Affidavit of P.W.2.
Ex.P10	Photocopy of Aadhar Card of P.W.2(Compared with the original)



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