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O.P. No.836 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2025

CORAM :

THE HONOURABLE MR.JUSTICE P.DHANABAL

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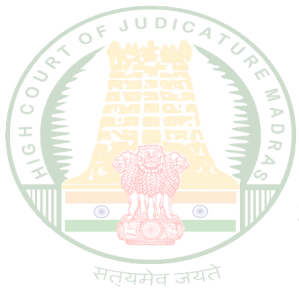
R. Mohan S/o. Late J. Radhakrishnan ... Petitioner

PRAYER: Original Petition is filed under Section 222(1) 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. Auxilia Peter

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 02.04.2010 executed by late V. Lakshmikantham to have effect limited to the State of Tamil Nadu.

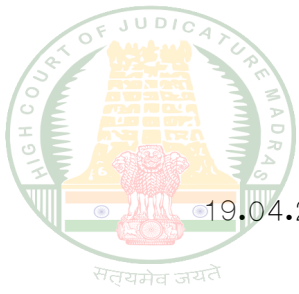


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2. According to the petitioner, one V. Lakshmikantham and her

husband Late M. V. Venugopal Reddiar had no issues. She lived along with her husband at Old No.5, New No.13, Gopal Street, T. Nagar, Chennai till her death on 16.09.2017. By way of partition deed dated 21.07.1955, lands to an extent of 1023 sq. ft. and 5704 sq. ft. were allotted to the share of Late M.V. Venugopal Reddiar. During his lifetime, the late M. Venugopal Reddiar constructed a residential house to an extent of 3700 sq. ft. and an outhouse consisting of ground and first floor to an extent of 1240 sq. ft. at Door Nos.5 and 6, Gopal Street, T.Nagar, Chennai respectively. The testatrix lived with her husband Late M. Venugopal Reddiar at an house bearing Old No.5, New No.13, Gopal Street, T. Nagar and rented out the outhouse, bearing Old No.6, New No.15, Gopal Street, T.Nagar, Chennai. The said M. Venugopal Reddiar executed a Will dated 09.02.1990 in respect of the property at Old Door No.5, New Door No.13, Gopal Street, T.Nagar, Chennai in favour of Thiruneelakandar Trust. The said Late M. Venugopal Reddiar died on 29.04.2004. The said Will was probated as per the order of this Court on

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3. Further, the property tax for the said outhouse was mutated in the name of Late V. Lakshmikantham and she had rented out the said property and lived out of her rental income. She paid the property tax for the said house until her demise and thereafter, the petitioner herein is paying property tax for the said house. The deceased V. Lakshmikantham executed her last Will and testament on 02.04.2010. The copy of Will was with the petitioner and by the said Will, the residential house at No.6, New No.15, Gopal Street, T.Nagar, Chennai should be converted as library in the name of Thiruneelakandar Trust. The Original Will is still with Joint-I Sub Registrar of Saidapet, Chennai South. The testatrix had appointed the petitioner as the executor of the Will and the sole beneficiary of the said Will.

4. The amount of assets which is likely to come to the petitioner's hand does not exceed in the aggregate sum of Rs.10,00,000/- and net amount of the

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said assets after deducting all the items, which the petitioner is by law

allowed to deduct is only of the value of is Rs.9,50,000/-. 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 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.

5. PW₁ and PW₂ were examined on the side of the petitioner and Ex.P.1 to Ex.P.10 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 V. Lakshmikanthamma on 02.04.2010. One Mr. G. Durairaj, who is one of the attesting witnesses in the Will, has been examined as PW₂. In his



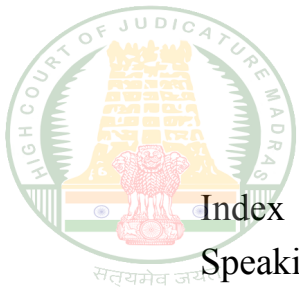
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evidence, he had stated that the testator was in sound state of mind while executing the Will and he had also seen the testator signing the Will and the other attesting witness subscribing his signature in the document. He has also stated that he along with one Krishnamoorthy Reddiar signed in the Will as attestors in front of each other. The evidence of attesting witness not only proved the execution but also the attestation of the Will and there is no other material to suspect the Will.

6. From the averments made in the petition and the depositions of PW₁ and PW₂ 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.

7. In the result, the Original Petition is ***allowed*** and the Will executed by late V. Lakshmikanthamma dated 02.04.2010 is hereby probated.

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Index : Yes/No

Speaking Order : Yes/No

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APPENDIX:

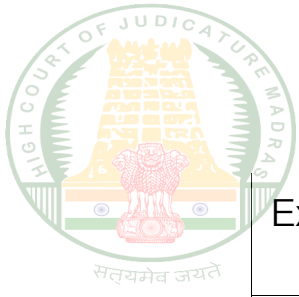
List of Petitioner side Witnesses:

PW1 : Mr. R. Mohan

PW2 : Mr. G. Durairaj

List of Petitioner side Documents:

Exhibit No.	Date	Description of Documents.
Ex.P.1	19.10.2004	Photocopy of the Legal Heir Certificate of Mr. M. Venugopal.
Ex.P.2	02.04.2010	Certified copy of the last Will and Testament of V. Lakshmikantham.
Ex.P.3	→	Photocopy of the letter written by the petitioner to the District Registrar.
Ex.P.4	16.09.2017	Computer generated copy of the Death Certificate of Mrs. V. Lakshmikantham.
Ex.P.5	07.10.2017	Photocopy of the Affidavit of R. Mohan.
Ex.P.6	31.12.1986	Original Encumbrance Certificate for the period from 01.01.1955 to 31.12.1986.
Ex.P.7	→	Affidavit of assets showing the net value of the estate Rs.9,50,000/-



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Ex.P.8.	→	Certificate under Section 65B of Indian Evidence Act filed for Ex.P.4.
Ex.P.9	→	Affidavit of PW ₂ stating that at the time of executing the Will, the testatrix was in a good sound and disposing state of mind.
Ex.P.10.	→	Photocopy of the Aadhar Card of the 2nd attesting Witness.

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