



O.P. No.837 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2025

CORAM :

THE HONOURABLE MR.JUSTICE P.DHANABAL

O.P. No.837 of 2024

P.S. Murari S/o. P.S. Seshadri

... 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. R. Kannan

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 31.07.2019 executed by late Mrs. P.S. Saroja to have effect through out the State of Tamil Nadu.



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2. According to the petitioner, one Mrs. P.S. Saroja, is the aunt of the petitioner and she died on 18.04.2023. During her life time, her pension amount normally credited in her account maintained in Bank of Baroda, Arcot Road Branch, Chennai in A/c. No.39230100008182 and Family Pension credited to Canara Bank, Villivakkam in the A/c. No.0918101022023. The last Will and testament executed by the testatrix Mrs. P.S. Saroja was dated 31.07.2019. As per the Will, the petitioner herein is the Executor of the Will. There is no other next of kin or interested persons to be impleaded as parties in this petition. In order to get the pension amount of the deceased, it is necessary for the petitioner to get the Will probated in his favour.

3. The amount of assets which is likely to come to the petitioner's hand does not exceed in the aggregate sum of Rs.22,763/-. 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

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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.

4. 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 Mrs. P.S. Saroja on 31.07.2019. Mr. M. Sathish Kumar, who is the first attesting witness in the Will, has been examined as PW2. In his evidences, he has stated that the testatrix was in sound state of mind while executing the Will and he had also seen the testatrix signing the Will and the other attesting witness K.R. Vijaya subscribing her signature in the document. At request of the testatrix, he along with the 2nd attesting witness namely Mrs. K.R. Vijaya have signed in the Ex.P.2 Will as attestors. The evidence of

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attesting witness has not only proved the execution but also the attestation of the Will and there is no other material to suspect the Will.

5. 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.

6. In the result, the Original Petition is ***allowed*** and the Will executed by late Mrs. P.S. Saroja dated 31.07.2019 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. P.S. Murali

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PW2

: Mr. M. Sathish Kumar

List of Petitioner side Documents:

Exhibit No.	Date	Description of Documents.
Ex.P.1	18.04.2023	Computer generated Death Certificate of P.S. Saroja along with the Certificate under Section 65B of the Indian Evidence Act.
Ex.P.2	1	Photocopy of the Death Certificate of Mr. T. Chakrawarthy.
Ex.P.3	1	Photocopy of the Aadhar Card of Mrs. P.S. Saroja.
Ex.P.4	1	Photocopy of the Pan Card of Mrs. P.S. Saroja.
Ex.P.5	1	Photocopy of the first page of pension payment order of Mrs. P.S. Saroja.
Ex.P.6	1	Photocopy of the first page of Pension payment order issued by the Accountant General II Pension of Mr. Chakrawarthy.
Ex.P.7 series	1	Photocopy of the Aadhar Card and PAN Card of Mr. P.S. Murali.
Ex.P.8.	31.07.2019	Original registered Will and Testament executed by Mrs. P.S. Saroja.
Ex.P.9	1	Affidavit of assets showing the net value of the estate as Rs.32,763/-
Ex.P.10.	1	Photocopy of PW2's Aadhar Card.



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