



WEB COPY

O.P.No.408 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **28.03.2025**

CORAM

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

O.P.No.408 of 2019

B.Venkates

...Petitioner

vs.

1.B.Parameswari

2.R.Jamuna Rani

3.M.Kumudhavalli

...Respondents

PRAYER: Original Petition filed under Section 222 & 276 of Indian Succession Act and Ward Order XXV Rule 4 of O.S.Rules, prays that this Hon'ble Court may be pleased to

a. Prove the WILL in common form and that probate thereof having effect limited to the State of Tamil Nadu may be granted to him.

b. Grant such further or other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case herein and thus render justice.

For Petitioner : Ms.R.Mahalakshmi

For Respondents : M/s.Aniees Fathima (For R1)

No appearance for R2 & R3

**ORDER**

WEB COPY

This Original Petition has been filed for issuance of Probate for the Last Will and testament dated 23.10.2008 executed by Late.Mr.N.Balasundar, who died on 13.03.2012. The petitioner has been appointed as sole executor under the Will.

2. The petitioner is the son of the testator whereas the 1st respondent is the wife and 2nd and 3rd respondents are daughters of the testator. The petitioner is the only beneficiary named in the said Will of the testator.

3. The petitioner has been examined as PW1. He has produced the computer generated death certificate of Late.Mr.N.Balasundar as Ex.P2. The photocopy of the Legal heir certificate of testator as Ex.P3. The original will dated 23.10.2008 as Ex.P1. The first respondent has recorded no objection, the 2nd and 3rd respondents inspite of the notice kept themselves away from the proceedings.

4. The attesting witnesses to the will dated 23.10.2008, Mr.R.Devarajan had died and Mr.J.B.Basky left the address hence the petitioner filed an Application No.6195 of 2024 to reopen the plaintiff side evidence for examining further witnesses and the same was allowed vide order dated



23.01.2025. Therefore Mrs.Selvi @ Selvanayagi and Mr.Dorairaj the third party witnesses were examined in chief as PW3 and PW2 . They both have identified the signatures of the testator as well as the original witnesses of the will dated 23.10.2008.

5. 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.

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 23.10.2008.

28.03.2025

kak

Index :Yes/No

Petitioner's witness:

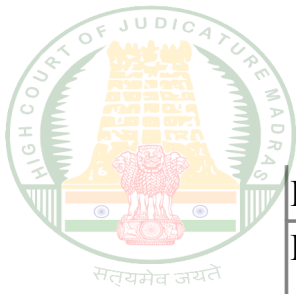
P.W.1 – Mr.B.Venkates

P.W.2 – Mr.C.Dorairaj

P.W.3 – Mrs.Selvi @ Selvanayagi

Documents exhibited by the petitioners:

Exhibits	Documents
Ex.P1	Original Will dated 23.10.2008 executed by Mr.N.Balasundar.



WEB COPY

O.P.No.408 of



Ex.P2	Computer generated death certificate of Mr.N.Balasundar.
Ex.P3	Photocopy of the legal heir certificate of Mr.N.Balasundar (Compared with the original)
Ex.P4	Photocopy of the sale deed dated 10.03.1978 executed in favour of Mr.Balasundaram (Compared with the original)
Ex.P5	Affidavit of assets showing the net value of estate as Rs.10,00,000/-
Ex.P6	Photocopy of Aadhar Card (Compared with the original)
Ex.P7	Photocopy of Aadhar Card (Compared with the original)

28.03.2025

kak



WEB COPY

O.P.No.408 of



K.KUMARESH BABU, J.

kak

O.P.No.408 of 2019

28.03.2025