



O.P.No.502 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **07.03.2025**

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

O.P.No.502 of 2024

R.Balakrishnan

...Petitioner

VS.

1.Smt.R.Visalam
2.Mrs.R.Sujatha
3.R.Ramakrishnan
4.R.Balasubramanian
5.R.Visveswaran

...Respondents

PRAYER: Original Petition filed for grant of Probate with Will annexed under Section 222 & 276 of the Indian Succession Act XXXIX of 1925, read with Order XXV Rule 4 of O.S.Rules, prays that this Hon'ble Court may be pleased to allow the petitioner to prove the WILL in common form and that probate thereof to have effect limited to the State of Tamilnadu, may be granted to him.

For Petitioner : Mr.A.Abdul Kader

For Respondents : Mr.P.D.Dilli Babu



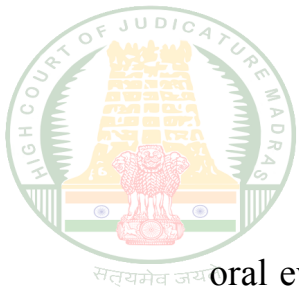
ORDER

This Original Petition has been filed for issuance of Probate for the Last Will and testament dated 31.03.2015 executed by Late.K.V.Ramamurthi, who died on 28.04.2021. The petitioner has been appointed as executor under the Will.

2. The petitioner is the son of the testator and the respondents are the wife and children of the testator. The petitioner and the respondents 2 to 5 are the beneficiaries under the Will.

3. The petitioner has examined himself as PW1. He has produced the death certificate of testator as Ex.P4. The legal heirship certificate of the testator as Ex.P5. The original registered will and testament dated 31.03.2015 as Ex.P3. The respondents 1 to 5 have been examined as RW1 to RW5 and marked their consent affidavit as Ex.R1 to Ex.R5.

4. Mr.N.Srinivasan, 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 and marked his affidavit as Ex.P8.



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 31.03.2015.

07.03.2025

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Index :Yes/No

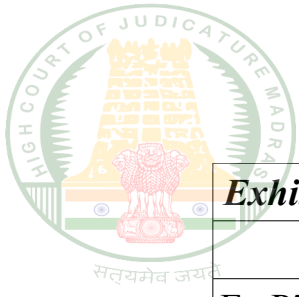
Petitioner's witness:

P.W.1 - Mr.R.Balakrishnan

P.W.2 – Mr.N.Srinivasan

Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Certified copy of the sale deed dated 30.11.1983 executed in favour of Mr.K.V.Ramamurthi (Compared with the original)
Ex.P2	Photocopy of the Memorandum of Agreement dated 06.10.1983 entered into between M/s.Goutham Constructions, and Mr.K.V.Ramamurthi (Compared with the original)
Ex.P3	Original registered Will and Testament dated 31.03.2015 executed by Mr.K.V.Ramamurthi.
Ex.P4	Computer generated death certificate of Mr.Ramamurthi.
Ex.P5	Computer generated legal heir ship certificate of Mr.Ramamurthi.
Ex.P6	Affidavit of assets showing the net value of the estate as



<i>Exhibits</i>	<i>Documents</i>
	Rs.14,75,000/-
Ex.P7	Certificate under Section 65 B of the Indian Evidence Act, 1872.
Ex.P8	My affidavit.
Ex.P9	Photocopy of my Aadhaar Card (Compared with the original)

Respondent's witness:

R.W.1 - Mrs.R.Visalam

R.W.2 – Mrs.R.Sujatha

R.W.3 – Mr.R.Ramakrishnan

R.W.4 – Mr.R.Balasubramanian

R.W.5 – Mr.R.Visveswaran

Ex.R1	My consent affidavit.
Ex.R2	My consent affidavit.
Ex.R3	My consent affidavit.
Ex.R4	My consent affidavit.
Ex.R5	My consent affidavit.

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