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O.P. No.569 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2025

CORAM :

THE HONOURABLE MR.JUSTICE P.DHANABAL

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1. R. Sridhar S/o. N.. Ramamurthi
2. R. Karthik S/o. N. Ramamurthi Petitioners
Vs.

1.M. Chandramohan S/o. T.V. Meenakshi Sundaram
2.M. Sampathkumar S/o. T.V. Meenakshi Sundaram
3.Sivakamasundari Pattabiraman D/o. T.V. Meenakshi Sundaram
4.Hemalatha Lakshminarasimhan D/o. T.V. Meenakshi Sundaram
.... Respondents

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. Mohammed Fayaz Ali

For respondents : R. Esakki Raja [for R1]
No appearance [for R2 to R4]

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 06.05.2013 executed by



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Late Tmt. Padma Rajasekharan to have effect through out the State of Tamil Nadu.

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2. According to the petitioners, the deceased Smt. Padma Rajasekharan married one Late M. Rajasekharan S/o. Dr. T.V. Meenakshi Sundaram and they had no issues. Both the petitioners are the Testator's nephews, who are the sons of the Testator's elder brother Late N. Ramamurthi. The respondents are the brothers and sisters of Late M. Rajasekharan, the husband of the Testatrix Late Smt. Padma Rajasekharan. The said Late M. Rajasekharan died leaving behind his wife Mrs. Padma Rajasekharan and his mother Mrs. Janaki Sundaram, as his two legal heirs. Therefore, late Smt. Padma Rajasekharan and Smt Janaki Sundaram each owned 50% share in the property. Ms. Janaki Sundaram had relinquished her 50% share in the said property in favour of Late Mrs. Padma Rajasekharan. The said Mrs. Padma Rajasekharan died on 05.04.2021. Her Last Will and Testament dated 06.05.2013. The petitioners have been appointed as joint executors under the said Will. The amount of assets which are likely to come into the petitioner's hands does not exceed in the aggregate the sum of Rs.83,00,000/-.

3. The petitioners had undertaken to duly administer the specified

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property and credits of the deceased in any way concerned her 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 petitioners and also to render to this Court a true account of the said property within one year from the said date.

4. In order to prove the claim of the petitioners, they examined PW1 to PW4 and marked Ex.P.1 to Ex.P.11. The petitioners herein have been examined as PW1 and PW2 respectively and they have deposed by narrating the averments made in the petition stating that they have filed this petition for grant of Probate of the Last Will and Testament executed by the deceased Late Mrs. Padma Rajasekharan on 06.05.2013. The Original Will and testamant has been marked as 'Ex.P.1'. PW3 and PW4 are the attesting witnesses, who have deposed that they have signed attesting witnesses in the Will dated 06.05.2013 executed by Mrs. Padma Rajasekharan and the testatrix is the client of PW4's senior Mr. T. Ravikumar and the testatrix executed the Will in the presence of PW3 and PW4. Therefore, the execution of the Will and attestation are duly proved in accordance with law.

5. From the averments made in the petition and the petitioners' side
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evidences supported by the documents, it is clear that the petitioners have proved their claim and there is no contra evidence. Hence, this Court is satisfied that the petitioners are 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. Padma Rajasekharan dated 06.05.2013 is hereby probated.

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Index : Yes/No
Speaking Order : Yes/No
mjs

APPENDIX:

List of Petitioner side Witnesses:

PW1 : Mr. R. Sridhar
PW2 : Mr. R. Karthik
PW3 : Mr. S.Krishnan
PW4 : Ms. L. Vidhyutha

List of Petitioner side Documents:

Exhibit No.	Date	Description of Documents.
Ex.P.1.	06.05.2013	Original Will executed by Tmt. Padma Rajasekharan.
Ex.P.2	21.06.1985	Photocopy of the Sale Deed executed by Mr. J. Mohanlall in favour of Mr. N. Rajasekharan.
Ex.P.3	-	Photocopy of Release Deed in favour of Late Mrs. Padma Rajasekharan executed by M. Janaki Sundaram.
Ex.P.4.	-	Computer generated Death Certificate of Late Mrs. Padma Rajasekharan.



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Ex.P.5	-	Photocopy of the document of declaration executed by M. Janaki Sundaram.
Ex.P.6	-	Photocopy of Legal Heirship Certificate of Mr. M. Rajasekharan.
Ex.P.7	-	Photocopy of Aadhar card of Mr. R. Sridhar.
Ex.P.8	-	Certificate by way of Affidavit under Section 63 of B.S.A., 2023.
Ex.P.9	-	Photocopy of Aadhar Card of Mr. R. Karthik
Ex.P.10	-	Photocopy of Aadhar Card of Mr. S. Krishnan.
Ex.P.11	-	Photocopy of Aadhar Card of Ms. L. Vidhyutha.

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