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O.P.No.503 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.04.2025

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

O.P.No.503 of 2024

1.L.M.Vinod

2.A.Raamu

...Petitioners

VS.

L.M.Karthik

...Respondent

PRAYER: Original Petition filed under Section 222 and 276 of Indian Succession Act, 1925 read with under Order XXV Rule 4 of O.S. Rules, prays:

a) That they may be allowed to prove the WILL in common form, and that probate thereof, to have effect throughout the State of Tamil Nadu may be granted to them.

b) Such other orders as may be necessary be passed and thereby justice be rendered.

For Petitioner : M/s.A.Saranya

For Respondent : M/s.G.Janani

**ORDER**

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This Original Petition has been filed for issuance of Probate for the Last Will and testament dated 07.05.2023 executed by Late.Mrs.L.M.ShanthaDevi, who died on 13.05.2023. Both the 1st and 2nd petitioners have been appointed as the executors under the Will.

2. The first petitioner and the respondent are the sons of the testatrix. The parents and the husband of the testatrix have predeceased her leaving behind the first petitioner and the respondent as her only legal heirs. The first petitioner and the respondent are the only beneficiaries named in the said Will of the testator dated 07.05.2023. The service of notice was completed upon the respondent and the counsel for the respondent has appeared on behalf of him and has filed the vakalat and expressed the consent of respondent to grant the probate of the will in favour of the petitioners.

3. The first petitioner has been examined as PW1. He has produced original will dated 07.05.2023 as Ex.P1. The death certificate of Late.Mrs.L.M.ShanthaDevi has been marked as Ex.P2. The Legal heir certificate of testatrix has been marked as Ex.P3. The photocopy of aadhar cards of both the petitioners are marked as Ex.P4 and Ex.P5. From Ex.P3 it is



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clear that the first petitioner and the respondent are the only surviving legal heirs of the testatrix. The perusal of Ex.P1 clearly shows that the 1st and 2nd petitioners are appointed as the executors of the Will and the 1st petitioner along with the respondent are the only beneficiaries named under the said Will dated 07.05.2023.

4. Mrs.Sudha Sridharan, who was the attesting witness to the said Will has been chief examined as PW2. The attesting witness had spoken about the execution of the Will by the testatrix, its attestation by her and the other attesting witness and marked her affidavit as Ex.C1.

5. The assertions in the petition have been duly proved by adducing oral evidence supported by documents. In these circumstances, the petitioners are 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 07.05.2023.

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Index :Yes/No



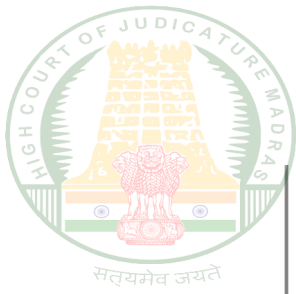
Petitioner's witness:

P.W.1 – Mr.L.M.Vinod

P.W.2 – Mrs.Sudha Sridharan

Documents exhibited by the petitioner:

Exhibits	Documents
Ex.P1	Original Last Will executed by deceased L.M.Shantha Devi dated 07.05.2023.
Ex.P2	Online copy of the Death certificate of L.M.Shantha Devi dated 13.05.2023.
Ex.P3	Online copy of the Legal Heir Certificate dated 12.06.2023
Ex.P4	Photocopy of the Aadhaar card of the 1 st petitioner Vinod Manohar Laggisetty (Original produced, compared and returned)
Ex.P5	Photocopy of the Aadhaar card of 2 nd petitioner A.Raamu.(Original produced, compared and returned)
Ex.P6	Photocopy of the Registered Sale Deed executed by the Gandhinagar Co-operative House Construction Society Ltd in favour of Smt.Cotah Lakshmichaya Devi with respect of Gandhinagar, Adyar property as mentioned in Schedule A to the petition, dated 08.01.1971 along with a letter dated 04.02.1971 by the Society and Original Share Certificate No.57 issued by the above said society.(Original produced, compared and returned)
Ex.P7	Photocopy of the order of probate passed by this Hon'ble Court in O.P.No.226 of 1992 dated 03.04.1992(Original produced, compared and returned)
Ex.P8	Photocopy of the sale deed in respect of Thathamuthiappan Street property as mentioned in Schedule G to the petition, dated 28.02.1958. The primary page of the document mentioned as Pg.No.2. (Original produced, compared and returned)
Ex.P9	Photocopy of the Registered Partition Deed dated 25.11.1961.(Original produced, compared and returned)
Ex.P10	Photocopy of the Proof of Savings Account



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	No.10762551858 held with SBI, Kasthuribai Nagar Branch, Adyar, Chennai.(Original produced, compared and returned)
Ex.P11	Photocopy of the Proof of Fixed Deposits Account Nos.32016039874, 32016040427, 32016041023, 33440964753, 35848470462 held with SBI, Kasthuribai Nagar Branch, Adyar, Chennai.(Original produced, compared and returned)
Ex.P12	Photocopy of the Proof of Savings Account No.070310100005950 held with Union Bank of India, Gandhinagar Branch, Adyar, Chennai. (Original produced, compared and returned)
Ex.P13	Photocopy of the Proof of Fixed Deposits Account Nos.060620100083134, 070313030000451, 070313030000449, 070313030000450 held with Union Bank of India, Gandhinagar Branch, Adyar, Chennai.(Original produced, compared and returned)
Ex.P14	Photocopy of the Proof of Savings Account No.202034666 held with Tamilnadu State Apex Co-operative Bank Ltd, Gandhinagar Branch, Adyar, Chennai.(Original produced, compared and returned)
Ex.P15	Photocopy of the Proof of Fixed Deposits Account Nos.702159485, 702160285 held with Tamilnadu State Apex Co-operative Bank Ltd., Gandhinagar Branch, Adyar, Chennai.(Original produced, compared and returned)
Ex.P16	Online copy of the proof of some shares invested through Mutual Funds in Mirae Asset Tax Saver – Mutual Funds (Wealth Works)
Ex.P17	Photocopy of the Share Certificate of M/s.Vinod Solvextracts Private Limited in the name of the deceased L.M.Shantha Devi.(Original produced, compared and returned)
Ex.P18	Photocopy of the Proof of shares in M/s.LVR Exports Private Limited in the name of the deceased L.M.Shantha Devi.(Original produced, compared and returned)
Ex.P19	Affidavit of Assets dated 13.03.2024.



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