



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **07.04.2025**

WEB COPY

CORAM

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

O.P.No.660 of 2023

1.Mr.Nikhil D'Souza

...Petitioner

vs.

1.Mrs.Meena Ramamurthy

2.S.Vijaya (died)

(2nd respondent died and the amendment carried out
as per memo dated 07.11.2024, D.No.(42846/24)
and order dated 12.11.2024)

3.Janaki Natarajan

4.S.Krishnaswamy

...Respondents

PRAYER: Original Petition filed under Section 222 & 276 of the Indian Succession Act 1925 XXXIX of 1925 read with Order XXV Rule 4 of the Original Side Rules 1956, prays that he may be allowed to prove the WILL in common form and that probate thereof to have effect limited to the State of Tamilnady may be granted to him.

For Petitioner : Mr.S.Muthu Venkataraman

For Respondents : Mr.Prasad Vijayakumar

(For R1)

R2 – Deceased

Mr.K.Magesh (For R3 & R4)

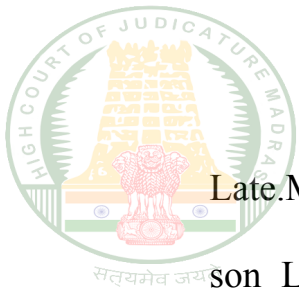
**ORDER**

WEB COPY

This Original Petition has been filed for issuance of Probate for the Last Joint Will and testament dated 17.10.2011 executed by testator Late.Mr.V.Hariharan and testatrix Late.Mrs.Sulochana Hariharan, who died on 22.07.2022 and 21.12.2017 respectively. The petitioner has been appointed as executor under the Will.

2. The petitioner submits that the only son of the testator and testatrix Late.Mr.H.Venkatesh had predeceased them on 14.06.1990, thereby leaving no legal heirs surviving them. He further submits that the first respondent is the sister of testator Late.Mr.V.Hariharan, whereas the second and third respondents are the sisters and the fourth respondent is the brother of the testatrix Late.Mrs.Sulochana Hariharen. Wherein the second respondent died on 31.08.2023 leaving no legal heirs. The notice has been served upon the respondents and the counsels for respondents 1, 3 and 4 have appeared on behalf of them, the consent affidavits of the respondents have been filed expressing their consent for grant of probate in favour of the petitioner.

3. The petitioner has been examined as PW1. He has produced the original will dated 17.10.2011 as Ex.P1. The death certificates of the testator



WEB COPY

Late.Mr.V.Hariharen, the testatrix Late.Mrs.Sulochana Hariharen and their son Late.Mr.H.Venkatesh have been marked as Ex.P2, Ex.P5 and Ex.P4 respectively.

4. Mr.V.Ramesh, who was the first attesting witness to the said Will has been examined as PW2. The attesting witness had spoken about the execution of the Joint Will by the testator and the testatrix and its attestation by him and the second attesting witness and marked his affidavit as Ex.P9.

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 17.10.2011.

07.04.2025

kak
Index :Yes/No



Petitioner's witness:

P.W.1 – Mr.Nikhil D'Souza

P.W.2 – Mr.V.Ramesh

WEB COPY

Documents exhibited by the petitioners:

Exhibits	Documents
Ex.P1	Original unregistered Joint Will dated 17.10.2011 executed by Mr.V.Hariharan and Mrs.Sulochana Hariharan.
Ex.P2	Computer generated death certificate of Mr.V.Hariharan.
Ex.P3	Photocopy of the sale deed dated 27.12.1969 executed in favour of Mr.V.Hariharan (Compared with the original)
Ex.P4	Photocopy of the death certificate of Mr.H.Venkatesh (Compared with the original)
Ex.P5	Computer generated death certificate of Mrs.Sulochana Hariharan.
Ex.P6	Photocopy of the savings account passbook bearing A/c.No.027001000009063 in Indian Overseas Bank, Anna Nagar East branch jointly standing in the name of Mr.V.Hariharan and Mrs.Sulochana Hariharan (Compared with the original)
Ex.P7	Affidavit of assets showing the value of the estate as Rs.11,44,03,984/-
Ex.P8	Certificate under Section 65 B of the Indian Evidence Act, 1872.
Ex.P9	Affidavit.
Ex.P10	Photocopy of Aadhar Card (Compared with the original)

07.04.2025

kak



WEB COPY



O.P.No.660 of

K.KUMARESH BABU, J.

kak

O.P.No.660 of 2023

07.04.2025