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O.P.No.173 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **08.07.2025**

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

O.P.No.173 of 2025

K.Srinivasan

...Petitioner

PRAYER: Original Petition filed under Sections 222 and 276 of the Indian Succession Act & Under Order XXV Rule 4 of the Original Side Rules to allow the petitioner to prove the Will in common form and probate thereof to have effect limited to the State of Tamil Nadu.

For Petitioner : Ms.L.Umma Kulsum

ORDER

This Original Petition has been filed for issuance of Probate for the Last Will and testament dated 21.09.2005 executed by Late.Mr.K.Narasimhan, who died on 09.09.2006. The petitioner has been appointed as executor under the Will.

2. The petitioner is the brother of the testator. The petitioner submits that the he along with the testator had purchased the immovable property mentioned in the schedule of the petition vide the Sale Deed dated



21.01.1994 registered as Document No.176/1994. The said testator

Mr.K.Narasimhan was married to one Mrs.D.Prema but the couple did not have any issues in the duration of their marriage and the testator's parents had also predeceased testator. The petitioner submits that the testator before his death had executed a Will on 21.09.2005, in which he had appointed the petitioner as the executor of the Will and he had given the life interest of his share in the immovable property in favour of his wife Mrs.D.Prema without any alienation rights and after her lifetime the same property absolutely devolves upon the petitioner. The petitioner contends that the testator died on 09.09.2006 and in accordance with the will executed by the testator, his wife Mrs.D.Prema was in the possession and enjoyment of the immovable property till her death on 04.01.2022. Therefore the petitioner is the sole and absolute beneficiary of the immovable property mentioned in the Will.

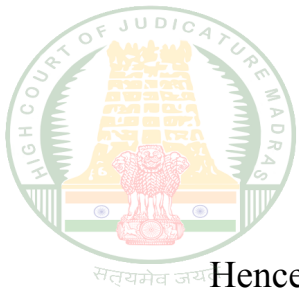
3. The petitioner has been examined as PW1 and he had produced 11 documents to support his deposition which are listed as Ex.P1 to Ex.P11 at the foot of the order. The Original Will dated 21.09.2005 executed by the testator had been marked as Ex.P3. The computer generated death certificate of the testator and his wife Mrs.D.Prema has been marked as Ex.P4 and Ex.P5 respectively. The photocopy of the Sale Deed dated 24.01.1994 has



been marked as Ex.P1. The aadhar card of the petitioner has been marked as Ex.P7. The perusal of Ex.P3 substantiates claims made in the petition that the petitioner is appointed as the executor of the Will and he is also the absolute beneficiary of named in the Will.

4. The petitioner has examined Mrs.D.Shashi Rekha and Mr.D.Sridhar, who are the 1st and 2nd attesting witnesses to the said Will has been examined as PW2 and PW3 respectively. They have spoken about the execution of the Will by the testator and its attestation by them. The attesting witnesses had also identified the signature of the testator in the Ex.P3. The photocopy of the aadhar cards of the 1st and 2nd attesting witnesses have been marked as Ex.P8 and Ex.P9 respectively.

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 21.09.2005.

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Index :Yes/No

Petitioner's witness:

P.W.1 – Mr.K.Srinivasan

P.W.2 – Mrs.D.Shashi Rekha

P.W.3 – Mr.D.Sridhar

Documents exhibited by the petitioners:

Exhibits	Documents
Ex.P1	Photocopy of the Sale deed dated 24.01.1994.
Ex.P2	Computer generated copy of Patta No.1765.
Ex.P3	Original WILL dated 21.09.2005.
Ex.P4	Computer generated copy of Death certificate of K.Narasimhan dated 09.09.2006.
Ex.P5	Photocopy of Death certificate of D.Prema.
Ex.P6	Online printout copy of Encumbrance Certificate dated 04.02.2025.
Ex.P7	Photocopy of the Aadhar card of the petitioner.
Ex.P8	Photocopy of the Aadhar card of the Shashi Rekha.
Ex.P9	Photocopy of the Aadhar card of the D.Sridhar.
Ex.P10	Online printout Guideline value of the property.

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