



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.04.2025

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

O.P.No.294 of 2023

Mr.V.S.Sundaram @ V.Sugavana Sundaram

...Petitioner

vs.

1.Mrs.Rajalakshmi

2.Mrs.C.Umashankari

...Respondents

PRAYER: Original Petition filed under Section 222 & 276 of Indian Succession Act, read with Order XXV Rule 4 of O.S. Rules with Will annexed, prays that he may be allowed to prove the Will in common form, and that probate thereof, to have effect to the State of Tamilnadu, may be granted to him.

For Petitioner : Mr.V.C.Selvasekaran

For Respondent : Mr.S.Santhan
Government Advocate
(For R1 to R3)

For R4 – No appearance

ORDER

This Original Petition has been filed for issuance of Probate for the
Last Will and testament dated 15.10.2001 executed by



Late.Mr.R.Venkatanarayanan, who died on 01.05.2002. The petitioner has been appointed as executor under the Will.

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2. The petitioner and the respondents 1, 2 and 4 are the children of the testator and the 3rd respondent is the granddaughter of the testator through his deceased daughter Late.Mrs.Vasantha. The petitioner is the sole beneficiary named under the said Will. The service of notice was completed upon the respondents 1 to 4. Respondents 1 to 3 were represented by a counsel and the consent affidavits of the respondents 1 to 3 were filed expressing their consent for the grant of probate.

3. The petitioner has been examined as PW1. He has produced the original will dated 15.10.2001 as Ex.P13. The computer generated death certificate of the testator Late.Mr.R.Venkatanarayanan has been marked as Ex.P4. The Legal heir certificate of testator has been marked as Ex.P5. The general paper publications have been made and no objections were received for the same. From Ex.P13 it can be deduced that the petitioner has been appointed as the executor, is also the sole beneficiary named under the said Will dated 15.10.2001.



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4. Both the original attesting witnesses to the will Late.Mr.S.Kailasam and Late.Mr.Arunan Subramanian have deceased. Therefore the evidence of Mrs.Rajalakshmi wife of the first attesting witness Late.Mr.S.Kailasam has been examined as the PW2. The above said Mrs.Rajalakshmi had spoken about the execution of the Will by the testator and she has also identified the signatures of the testator and both the attesting witnesses.

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 23.06.2004.

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Index :Yes/No



Petitioner's witness:

P.W.1 – Mr.V.S.Sundaram @ V.Sugavana Sundaram

P.W.2 – Mrs.Rajalakshmi

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Documents exhibited by the petitioners:

Exhibits	Documents
Ex.P1	Photocopy of the memorandum of agreement dated 03.03.1985 (Compared with the original)
Ex.P2	Photocopy of the sale deed dated 09.10.1985 executed in favour of Mr.V.S.Sundaram (Compared with the original)
Ex.P3	Original Will and Testament dated 15.10.2001 executed by Mr.R.Venkatanarayanan.
Ex.P4	Computer generated death certificate of Mr.R.Venkatanarayanan.
Ex.P5	Photocopy of the legal heir ship certificate of Mr.R.Venkatanarayanan (Compared with the original)
Ex.P6	Computer generated death certificate of Mrs.S.Vasantha.
Ex.P7	Photocopy of Aadhaar Card (Compared with the original)
Ex.P8	Downloaded copy of the encumbrance certificate for the period 09.10.1985 to 31.10.1996.
Ex.P9	Affidavit under Section 65 B of the Indian Evidence Act, 1872.
Ex.P10	Computer generated death certificate of Mr.S.Kailasam.
Ex.P11	Computer generated death certificate of second attester Mr.Arunan Subramanian.
Ex.P12	Photocopy of Aadhaar Card (Compared with the original)
Ex.P13	Certificate under Section 65 B of the Indian Evidence Act, 1872.

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