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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **30.04.2025**

CORAM

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

O.P.No.303 of 2024

G.Rengan …Petitioner

vs.

1.K.Jayalakshmi
2.K.Vinodh Gopinath
3.Prabha Krishnan
4.Surendra Mohan Krishnan ...Respondents

PRAYER: Original Petition filed for Probate under Sections 222 and 276 of Indian Succession Act and Order XXV Rule 4 of the High Court Original Side Rules, praying that he may be allowed to prove the Will in common form, and that probate thereof, to have effect throughout the Union of India may be granted to the petitioner.

For Petitioner : M/s.N.K.Kanthimathi
For Respondents : Mr.K.Mohandass

ORDER

This Original Petition has been filed for issuance of Probate for the Last Will and testament dated 13.06.2017 executed by Late.Mr.G.Krishnan, who died on 14.02.2021. The petitioner has been appointed as executor under the Will.

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2. The petitioner is the younger brother of the testator and the 1st respondent is the wife, the 2nd and 4th respondents are the sons and the 3rd respondent is the daughter of the testator. The service of notice has been completed upon the respondents 1 to 4 and learned counsel for the respondents 1 to 4 have appeared on behalf of them and have reiterated the consent affidavits. The respondents 1 to 4 have given their consent to grant the probate in favour of the petitioner and the respective learned counsels for the respondents have filed their consent affidavits.

3. The petitioner has been examined as PW1. He has produced the original will dated 21.02.2015 as Ex.P4. The death certificate of Late.Mr.G.Krishnan as Ex.P4. The computer generated copy of the Legal heir certificate of testator has been marked as Ex.P6. Perusal of Ex.P4 proves that the petitioner is appointed as the executor and the respondents 1 to 4 are the beneficiaries named in the Will.

4. Mr.Venkatesh Raman, 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 Will by the testator and its attestation by him and the second

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attestator and marked his affidavit as Ex.P8.

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 13.06.2017.

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Index :Yes/No

Petitioner's witness:
P.W.1 – Mr.G.Rengan
P.W.2 – Mr.Venkatesh Raman
Documents exhibited by the petitioner:

Exhibits	Documents
Ex.P1	Photocopy of the sale deed registered as Doc.No.5079/2007 dated 24.09.2007. (Original is produced, compared and returned to the petitioner's counsel)
Ex.P2	Photocopy of the sale deed registered as Doc.No.5276/2007 dated 12.10.2007. (Original is produced, compared and returned to the petitioner's counsel)
Ex.P3	Photocopy of the sale deed registered as

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	Doc.No.3753/2014-2015 dated 21.02.2015. (Original is produced, compared and returned to the petitioner's counsel)
Ex.P4	Original Will executed by the deceased G.Krishnan dated 13.06.2017.
Ex.P5	Computer generated copy of the death certificate of deceased G.Krishnan died on 14.02.2021.
Ex.P6	Computer generated copy of the legal heir certificate of deceased G.Krishnan dated 05.05.2024.
Ex.P7	Affidavit of assets wherein the net value Rs.2,40,34,000/-
	Affidavit under Section 65 B of Indian Evidence Act is filed for Ex.P5 and Ex.P6.
Ex.P8	Affidavit.
Ex.P9	Photocopy of my Aadhar Card (Compared with original)

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