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O.P.No.220 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **28.08.2025**

CORAM

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

O.P.No.220 of 2025

Anthony Richard David Pell

...Petitioner

Vs.

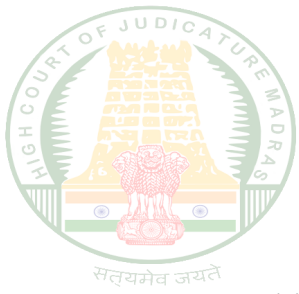
Joseph Leslie Pell

... Respondent

PRAYER: Original Petition filed under Sections 222 and 276 of the Indian Succession Act, 1925 (Act XXXIX of 1925) read with Order XXV Rule 4 of the Original Side Rules, praying to prove the Will of the deceased, Ms.Audrey Pell, dated 12.07.2023 through his power of attorney agent Mr.Gladstone Fernandez, in common form and that Probate thereof to have effect limited to the State of Tamil Nadu may be granted to the petitioner, Mr.Antony Richard David Pell.

For Petitioner : Mr.A.R.Karunakaran

For Respondent : Mr.Varoon.R



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ORDER

WEB COPY This Original Petition has been filed for issuance of Probate for the Last Will and testament dated 12.07.2023 executed by Ms. Audrey Pill, who died on 10.12.2023. The petitioner has been appointed as executor under the Will and he is represented by his Power of Attorney Agent Mr.Gladstone Fernandez.

2. The petitioner and the sole respondent are the brothers of the testatrix. The petitioner submits that the parents of the testatrix predeceased her and the testatrix died as a spinster, leaving behind both the petitioner and the respondent, her brothers, as her only legal heirs. The petitioner further submits that the prior to death the testatrix had executed a Will dated 12.07.2023 in which she had appointed the petitioner as the executor. The testatrix had named both the the petitioner and the respondent as beneficiaries to the properties as set out in the Will. Apart from the petitioner and the respondent, the testatrix had further made certain bequests in favour of the third parties, naming them as the beneficiaries to the respective movable property bequeathed to them, which the petitioner submits that have already been fulfilled by him.

3. Mr.Gladstone Fernandez, the Power Agent of the petitioner has been examined as PW1. He has produced 8 documents to support his deposition, which



are marked as Ex.P1 to Ex.P8 at the foot of the order. The Original Will executed by the testatrix has been marked as Ex.P1. The printout of the death certificate of the testatrix has been marked as Ex.P2. The photocopy of the Power of Attorney Deed executed by the petitioner in favour of PW1 has been marked as Ex.P7. The perusal of the Ex.P1 clearly substantiates the claims made in the petition that the petitioner is the sole executor named in the Will, and he along with the respondent are one beneficiaries named in the Will.

4. Mr.N.S.Sreevatsa, who is the second attesting witness to the said Will dated 12.07.2023 has been examined as PW2. The afore said attesting witness had spoken about the execution of the Will by the testatrix and its attestation by him along with the other attesting witness one Mr.S.S.Senthil Kumar.

5. The sole respondent has expressed his consent to grant the probate of the Will dated 12.07.2023, executed by his sister, the testatrix herein, in favour of the petitioner and the respective consent affidavit of the respondent has also been filed. The learned counsel for the respondent, appearing on behalf of him, has reiterated the consent affidavit by the respondent.



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6. 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.

7. 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 12.07.2023, having effect limited to the State of TamilNadu,

28.08.2025

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Index :Yes/No

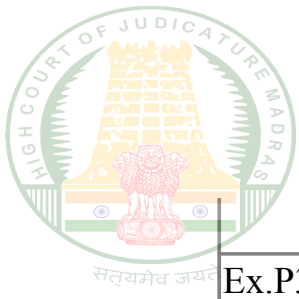
Petitioners' witness:

P.W.1 – Mr.Gladstone Fernandez

P.W.2 – Mr.N.S.Sreevatsa

Documents exhibited by the petitioners:

Exhibits	Documents
Ex.P1	Original Will of Ms. Audrey Pell dated 12.07.2023.
Ex.P2	Printout of the Death Certificate of Ms. Audrey Pell dated



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	29.12.2023. (Certificate u/s 65 B of I.E.Act produced).
Ex.P3	Printout of the Deposit Confirmation/ Renewal advise issued by the Tamil Nadu Power Finance and Infrastructure development Corporation Ltd dated 01.10.2021. (Certificate u/s 65 B of I.E.Act produced).
Ex.P4	Photocopy of the Letter issued by the petitioner to M/s.LIC, Mumbai for death claim and annuity bearing number 091Q0331139154 dated 13.05.2024 via E-Mail. (Certificate u/s 65 B of I.E.Act produced).
Ex.P5	Photocopy of the Sale Deed executed by Mrs.Jeevi Bai Sakariya and 3 others in favour of Ms.Audrey Pell dated 13.07.1990. (Compared with original).
Ex.P6	Photocopy of the Builders agreement between M/s.Shanthi Construction Company and Ms.Audrey Pell dated 08.06.1990. (Compared with original).
Ex.P7	photocopy of the Power of Attorney deed executed by the petitioner in favour of Mr.Gladstone Fernandez dated 17.02.2025. (Compared with original).
Ex.P8	Affidavit of assets filed by Mr.Gladstone Fernandez (Power agent of the petitioner).
Ex.P9	Photocopy of the Aadhaar Card of PW2, attesting witness.

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