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O.P.No.557 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **24.03.2025**

CORAM

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

O.P.No.557 of 2023

Mr.G.Ravichandran

...Petitioner

VS.

1.Mrs.R.Jayalakshmi
2.Mrs.Chitra Jayababu
3.Miss.J.Roshini

...Respondents

PRAYER: Original Petition filed under Section 222 and 276 of the Indian Succession Act, XXXIX of 1925 read with Order XXV Rule 4 Application for Probate of a Will, prays that this Hon'ble Court may permit the petitioner to prove the Will dated 20.02.2008 executed by S.Jayaraman and J.Kasthuri, in common form and that probate thereof limited to the State of Tamil Nadu be granted to the petitioner.

For Petitioner : M/s.Jana Ranjani

For Respondents : No appearance

ORDER

This Original Petition has been filed for issuance of Probate of the Last Will and testament dated 20.02.2008 executed by Late.Mrs.J.Kasthuri and Late.Mr.S.Jayaraman, who died on 22.08.2014 and 23.04.2021 respectively. The petitioner has been appointed as executor under the Will.



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2. The petitioner is the son-in-law of the testator and testatrix, the first respondent is the wife of the petitioner and also the daughter of the deceased, the respondent 2 and 3 are the wife and daughter of the Late.J.JayaBabu who is the predeceased son of the testators. The petitioner is the executor of the will, the first and the third respondents are the beneficiaries named in the said Will of the testators. The learned counsel for the petitioner have also filed the consent affidavits on behalf of the respondents expressing their consent for the grant of probate.

3. The petitioner has been examined as PW1. He has produced the death certificates of the testator and the testatrix as Ex.P5 and Ex.P7 respectively. The Legal heir certificate of testatrix as Ex.P6 and testator as Ex.P8. The death certificate of the predeceased son as Ex.P2. The original will dated 20.02.2008 as Ex.P1. On Perusal of the Ex.P1 and Ex.P8 its clear that the first and the third respondent are the beneficiaries of the above said will dated 20.02.2008.

4. Mrs.G.Muthulakshmi daughter of the first attesting witness to the said Will Late.Mr.T.P.Gajendran has been examined as PW2. She has



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submitted the death certificate of Late.Mr.T.P.Gajendran who died on 05.02.2023 is marked as Ex.P11. She has identified the signature of the first attesting witness Late.Mr.T.P.Gajendran. The letter dated 31.03.2022 sent to the second attesting witness Mr.D.Chandran returned back with the endorsement as 'left without instruction' and is marked 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 20.02.2008.

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Index :Yes/No

Petitioner's witness:

P.W.1 – Mr.G.Ravichandran

P.W.2 – Mr.G.Muthulakshmi



Documents exhibited by the petitioners:

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Exhibits	Documents
Ex.P1	Original Will dated 20.02.2008 executed by Mr.S.Jayaraman and Mrs.J.Kasthuri.
Ex.P2	Photocopy of the sale deed dated 25.05.2006 executed in favour of Mr.S.Jayaraman and Mrs.J.Kasthuri (Compared with the original)
Ex.P3	Photocopy of the sale deed dated 25.05.2006 executed in favour of Mr.S.Jayaraman and Mrs.J.Kasthuri (Compared with the original)
Ex.P4	Photocopy of the certificate of extract from the town survey land register in respect of the property standing in the name of Mr.S.Jayaraman and Mrs.J.Kasthuri (Compared with the original)
Ex.P5	Computer generated death certificate of Mrs.J.Kasthuri.
Ex.P6	Photocopy of the Legal heir certificate of Mrs.J.Kasthuri.(Compared with the original)
Ex.P7	Computer generated death certificate of Mr.S.Jayaraman.
Ex.P8	Computer generated legal heir certificate of Mr.S.Jayaraman.
Ex.P9	Letter sent to one of the attesting witness Mr.D.Chandran along with returned cover with the endorsement as left.
Ex.P10	Affidavit of assets showing the net value of the estate as Rs.20,20,100/-
Ex.P11	Computer generated death certificate of my father Mr.T.P.Gajendran.
Ex.P12	Photocopy of my Aadhar Card (Compared with the original)
Ex.P13	Certificate filed under Section 65 B of Indian Evidence Act.

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