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O.P.No.850 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **13.08.2025**

CORAM

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

O.P.No.850 of 2023

T.R.Venkatasubramanian

...Petitioner

Vs.

T.R.Abitha

... Respondent

PRAYER: Original Petition filed under Sections 222 and 276 of the Indian Succession Act (Act XXXIX of 1925) read with Order XXV, Rule 4 of the 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 State of Tamil Nadu may be granted to the petitioner.

For Petitioner : Mr.D.Ravikumar

For Respondent : No appearance



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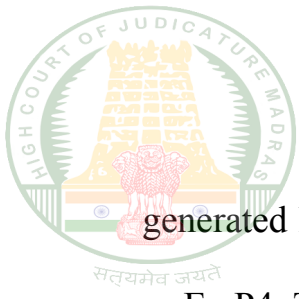
ORDER

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This Original Petition has been filed for issuance of Probate for the Last Will and testament dated 25.03.2022 executed by Mr.Mrs.M.Sulochana, who died on 29.03.2022. The petitioner has been appointed as executor under the Will.

2. The petitioner submits that the testatrix had gotten married to one Mr.T.V.Nagarajan who predeceased the testatrix on 03.02.2022 and the couple had not begotten any issues out of their wedlock. The petitioner submit that both himself and the sole respondent are the children of Mr.T.V.Radha Krishnan, who is the brother of the aforesaid predeceased husband of the testatrix. The petitioner asserts that the testatrix prior to her demise had executed a Will dated 25.03.2022 for which he had appointed the petitioner as the executor. In pursuant to the above said Will, the testatrix had named the petitioner as the sole beneficiary for the movable properties which have been enumerated in the Will.

3. The petitioner has been examined as PW1, he has produced 9 Documents to support his deposition which are listed as Ex.P1 to Ex.P9 at the foot of the order. The Original Will dated 25.03.2022 executed by the testatrix has been marked as Ex.P1. The computer generated death certificates of the testatrix and her husband Late.Mr.T.V.Nagarajan have been marked as Ex.P3 and Ex.P4 respectively. The affidavit of assets has been marked as Ex.P9. The computer



generated legal heirship certificate of the husband of the testatrix has been marked as Ex.P4. The perusal of the Ex.P1 clearly substantiates the averments made in the petition and proves that the petitioner is the sole beneficiary named in the Will and has been appointed as the executor of the same. The general paper publications have been effected and no objections were received for the same.

4. Mr.Ramesh Ragavan, who was the second attesting witness to the said Will has been examined as PW2. The attesting witness had spoken about the execution of the Will by the testatrix and its attestation by him and has marked his affidavit as Ex.P10.

5. The service of notice upon the sole respondent has been completed. Whereas inspite of the service being completed the sole respondent chose to keep herself away from the proceedings.

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,



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the Original Petition is allowed granting probate of the last Will and testament

dated 23.06.2004.

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Index : Yes/No

Petitioners' witness:

P.W.1 – Mr.T.R.Venkatasubramanian

P.W.2 – Mr.Ramesh Ragavan

Documents exhibited by the petitioners:

Exhibits	Documents
Ex.P1	Original Will dated 25.03.2022 executed by Mrs.M.Sulochana.
Ex.P2	Computer generated death certificate of Mr.T.V.Nagarajan.
Ex.P3	Computer generated death certificate of Mrs.M.Sulochana.
Ex.P4	Computer generated legal heir certificate of Mr.T.V.Nagarajan.
Ex.P5	Certificate under Section 65B of the Indian Evidence Act, 1872.
Ex.P6	Photocopy of the Indian Overseas Bank passbook in Mylapore Branch held by Mrs.M.Sulochana bearing A/c.No.006001000033572 (Compared with the original).
Ex.P7	Photocopy of the Indian Overseas Bank Passbook in Mylapore Branch jointly held by Mr.T.V.Nagarajan and Mrs.M.Sulochana bearing A/c.No.006001000032331 (Compared with the original).
Ex.P8	Photocopy of the Aadhar Card of PW1 (Compared with the original)



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Ex.P9	Affidavit of assets showing the net value of the estate as Rs.13,69,043.70/-.
Ex.P10	Affidavit of PW2.

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K.KUMARESH BABU, J.

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