

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **02.07.2025**

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

O.P.No.302 of 2024

K.S.Omprakash

...Petitioner

VS.

1.Mrs.K.S.Indira

2.Mr.K.S.Chandrahas

...Respondents

PRAYER: Original Petition filed under Sections 222 & 276 and Part IX of the Indian Succession Act, 1925 read with Order XXV Rule 4 of O.S. 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 Tamilnadu, may be granted to him.

For Petitioner : Mr.K.S.V.Prasad

For Respondents : R1 & R2 - Served - No appearance

ORDER

This Original Petition has been filed for issuance of Probate for the Last Will and testament dated 19.08.1989 executed by Late.K.V.Sundaram Naidu, who died on 11.01.1991. The petitioner has been appointed as executor under the Will.

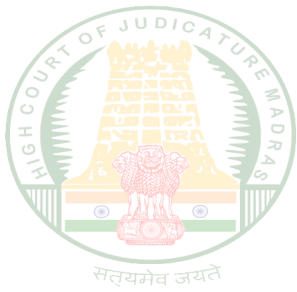


2. The petitioner and the respondents are the children of the testator.

The wife of the testator predeceased him. The testator gave life interest to his wife and absolute interest to his son and grandchildren. The petitioner and the grandchildren through testator's son are the beneficiaries named in the said Will of the testator. The respondents have also filed their consent affidavits expressing their consent for the grant of probate.

3. The petitioner has examined himself as PW1. He has produced the death certificate of Late.K.V.Sundaram and his wife as Ex.P2 and Ex.P3. The original will and testament dated 19.08.1989 as Ex.P1. The memorandum of family arrangement as Ex.P6. A perusal of Ex.P6, establishes the relationship between the petitioner and the respondents.

4. Both the attesting witnesses of Will expired and their death certificates were marked as Ex.P9 and Ex.P10. Hence, the petitioner examined Mr.S.Kumaravelu, who is the third party to the Will, has been examined as PW2. He had deposed that he was present at the time of execution of the Will and had spoken about the execution of the Will by the testator and its attestation by both the witnesses and further he identified the signatures of the testator and the attesting witnesses in Ex.P1.



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5. 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 19.08.1989.

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Index :Yes/No

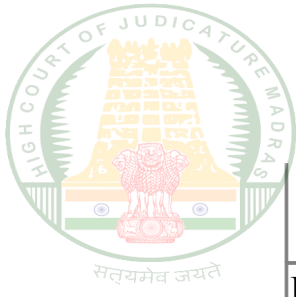
Petitioner's witness:

P.W.1 – Mr.K.S.Omprakash

P.W.2 – Mr.S.Kumaravelu

Documents exhibited by the petitioners:

Exhibits	Documents
Ex.P1	Original Will dated 19.08.1989 executed by Mr.K.V.Sundaram Naidu.
Ex.P2	Photocopy of the death certificate of Mr.K.V.Sundaram(Compared with the original)
Ex.P3	Photocopy of the death certificate of Mrs.K.S.Pramila.(Compared with the original)
Ex.P4	Photocopy of the sale deed dated 15.04.1963 executed in favour of Mr.K.V.Sundaram.(Compared with the original)
Ex.P5	Photocopy of the certificate of registration of the four wheeler bearing No.MSQ 3299 standing in the name of Mr.K.V.Sundaram.(Compared with the original)
Ex.P6	Photocopy of the memorandum of family arrangement dated 29.05.1995(Compared with the original)
Ex.P7	Affidavit of assets showing the net value of the estate as Rs.3,02,44,600/-
Ex.P8	Certified copy of the sale deed dated 21.04.1960 executed in favour of Mr.K.S.Venkatesam Naidu along with clean copy (typed copy) of the document and the certificate under



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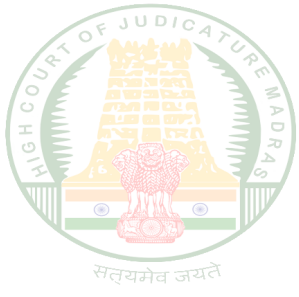
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	Section 65 B of the Indian Evidence Act, 1872.(This document is marked subject to its proof and relevancy)
Ex.P9	Computer generated death certificate of Mr.S.Viswanathan along with the certificate under Section 65 B of the Indian Evidence Act, 1872.
Ex.P10	Computer generated death certificate of Mr.Anandachary along with the certificate under Section 65 B of the Indian Evidence Act, 1872.
Ex.P11	Photocopy of Aadhar card of P.W.2(Compared with the original)

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