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O.P.No.636 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **26.08.2025**

CORAM

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

O.P.No.636 of 2024

Pankaj Raghvendra

...Petitioner

Vs.

Shikha Chandra

... Respondent

PRAYER: Original Petition filed under Sections 222 and 276 of the Indian Succession Act, XXXIX of 1925 read with Order XXV Rule 4 of the Original Side Rules praying to permit the petitioner to prove the Will dated 29.07.2005 in common form and that the Probate thereof, to have effect limited to the State of Tamil Naud, may be granted to the petitioner.

For Petitioner : Ms.T.Kiran Rani
for M/s.KNS Law Chambers

For Respondent : No appearance

ORDER

This Original Petition has been filed for issuance of Probate for the Last Will and testament dated 29.07.2025 executed by Mrs. Santosh Narain,

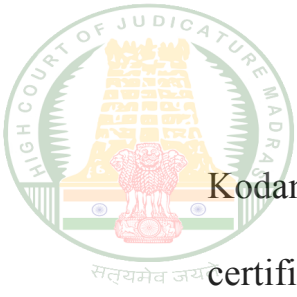


who died on 19.03.2018. The petitioner and the sole respondent are the children of the testatrix. The petitioner has been appointed as executor under the Will.

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2. The petitioner submits that the testatrix got married to one Mr.Braj Narain and had begotten the petitioner as her son and the sole respondent her daughter, out of the said wedlock. The petitioner also submits that Mr.Braj Narain, his father and the husband of the testatrix predeceased her on 17.11.2001, thereby leaving the petitioner and the respondent as the only surviving legal heirs of the deceased. The petitioner further makes a submission that testatrix, prior to her death had executed a Will dated 29.07.2005 registered as Document No.106 of 2005 in SRO of Kodambakkam. By the virtue of the aforesaid Will, the testatrix had named her son, the petitioner herein as the sole beneficiary of the Will and had further appointed him as the executor of the same.

3. The petitioner has been examined as PW1. He has produced 11 documents to support his deposition which are listed as Ex.P1 to Ex.P11 at the foot of the order. The original Will and Statement dated 29.07.2005 executed by the testatrix and registered as Doc.No.106 of 2005 at SRO,



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Kodambakkam has been marked as Ex.P1. The printout copy of the death certificates of the testatrix and her husband Late.Mr.Braj Narain have been marked as Ex.P2 and Ex.P4. The Legal heirship certificate of the testatrix has been marked as Ex.P11. The perusal of the Ex.P1 clearly substantiates the averments made in the petition, proves that the petitioner is the sole beneficiary named in the Will and has also been appointed as its executor.

4. Mr.K.V.Ravichandran, who is the first attesting witness to the said Will dated 29.07.2005, has been examined as PW2. The attesting witness had spoken about the execution of the Will by the testatrix and its attestation by him along with the other attesting witness Mr.Subramani.

5. The sole respondent who is the sister of the petitioner, has expressed her consent to grant the probate of the Will dated 29.07.2005 in favour of the petitioner and her consent affidavit dated 05.04.2024 has been filed as the petitioner's side evidence and has been marked as Ex.P10 dated

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 29.07.2005.

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Index :Yes/No

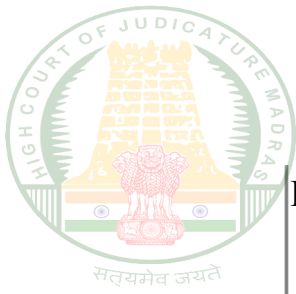
Petitioner's witness:

P.W.1 – Mr.Pankaj Raghvendra

P.W.2 – Mr.K.V.Ravichandran

Documents exhibited by the petitioner:

Exhibits	Documents
Ex.P1	Original Will and Testament of the deceased Santosh Narain dated 29.07.2005 registered as Doc.No.106 of 2005 at the Sub-Registrar Office, Kodambakkam.
Ex.P2	Printout copy of the Death Certificate of deceased Santosh Narain dated 06.09.2018.
Ex.P3	Photocopy of the Sale Deed dated 20.02.1995 registered as Doc.No.941 of 1995 at the Sub-Registrar Office, Kodambakkam. (Original produced, compared and returned).
Ex.P4	Printout copy of the Death Certificate of Braj Narain dated 18.10.2023.



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Ex.P5	Online copy of the Property Tax Receipt No.2024-25/ON/0009432 dated 01.04.2024 in the name of deceased Santosh Narain.
Ex.P6	Online copy of the Water Tax Receipt No.2023-24/OLP/928158 dated 09.03.2024 in the name of deceased Santosh Narain.
Ex.P7	Online copy of the Electricity Bill Receipt No.09238027259 dated 05.02.2024 in the name of deceased Santosh Narain dated 05.02.2024.
Ex.P8	Photocopy of the Encumbrance Certificate 01.01.1995 to 04.09.2018.
Ex.P9	Aadhar card of the petitioner Mr.Pankaj Raghvendra. (Original produced, compared and returned).
Ex.P10	Consent affidavit of Shikha Chandra.
Ex.P11	Photocopy of the Legal Heirship Certificate of Mr.Santosh Narain dated 02.11.2018.
Ex.P12	The photocopy of the Aadhaar Card of PW2.

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