



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **24.03.2025**

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

O.P.No.505 of 2024

1.D.Chandrasekharan Dharmalingam @ Chandrasekar

...Petitioner

VS.

- 1.V.Mukunthan
- 2.Malliga Kumar
- 3.Muthu Kumar.V
- 4.Balasubramani Varadharaj
- 5.V.Ramesh
- 6.Seethalakshmi.D
- 7.K.Padma
- 8.Arunachalam.K
- 9.Suresh Kumar K
- 10.T.Nagarajan
- 11.V.Kathiravan

...Respondents

PRAYER: Original Petition filed under Sections 222 and 276 of the Indian Succession Act and under Order XXV Rule 4 of O.S.Rules for Probate of the Will, prays that he may be allowed to prove that the Will in common form and that Probate thereof to have effect, limited to the State of Tamil Nadu may be granted to the petitioner and thus render justice.



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O.P.No.505 of



For Petitioner : M/s.R.V.Gayatri
For M/s.P.B.Ramanujam Associates

For Respondents : No appearance

ORDER

This Original Petition has been filed for issuance of Probate for the Last Will and testament dated 19.02.2021 executed by Late.Mr.R.Sampath, who died on 04.02.2022. The petitioner has been appointed as executor under the Will.

2. The petitioner is the nephew of the testator and the respondents 1 to 11 are the nieces and nephews of the testator. The petitioner and the respondents R1 to R11 are the beneficiaries named in the said Will of the testator. The all respondents from R1 to R11 have filed their consent affidavits expressing their consent for the grant of probate.

3. The petitioner has been examined as PW1. He has produced the death certificate of Late.Mr.Sampath as Ex.P2. The photocopy of the will of the testator dated 19.02.2021 as Ex.P1.



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4. Mrs.Leelavathy who was the second attesting witness to the said Will has been chief examined as PW2. The attesting witness had spoken about the execution of the Will by the testator and its attestation by her and has given her affidavit.

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 19.02.2021.

24.03.2025

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Index :Yes/No

Petitioner's witness:

P.W.1 – Mr.D.Chandrasekharan Dharmalingam @ Chandrasekar

Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Original Will dated 19.02.2021.



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O.P.No.505 of



<i>Exhibits</i>	<i>Documents</i>
Ex.P2	Computer generated death certificate of R.Sampath dated 12.02.2022.
Ex.P3	Photocopy of the Deed of sale, bearing Doc.No.4062 of 1978, Sub District of Kodambakkam Registration District of Madras dated 30.11.1978. (Original produced compared verified and returned)
Ex.P4	Online copy of the Property Tax Receipt dated 13.11.2020. Affidavit under Section 63 of Bharatiya Saniha Adhinayam filed.

24.03.2025

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O.P.No.505 of



K.KUMARESH BABU, J.

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O.P.No.505 of 2024

24.03.2025