



WEB COPY

O.P.No.300 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **19.02.2025**

CORAM

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

O.P.No.300 of 2024

Mr.L.Balaji

...Petitioner

VS.

Mrs.L.Kuppammal

...Respondent

PRAYER: Original Petition filed under Section 222 (2) & 276 of the Indian Succession Act r/w Order XXV Rule 4 of O.S.Rules for grant of Probate with the Will annexed, prays that this Hon'ble Court may be permit to allow the petitioner to prove the will in common form, and that probate thereof, to have effect limited throughout the State of Tamil Nadu, may be granted to the petitioner.

For Petitioner : Dr.N.Moorthi

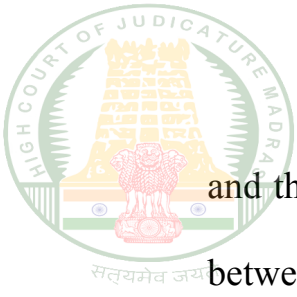
For Respondent : No appearance

**ORDER****WEB COPY**

This Original Petition has been filed for issuance of Probate for the Last Will and testament dated 29.11.2000 executed by Late.Mrs.Kanaga, who died on 21.03.2001.

2. The petitioner is the foster son of the testatrix and the respondent is the younger sister of the testatrix and mother of the petitioner. The testatrix was married to one Sami Kannu and both died issueless. The petitioner has been appointed as an executor and the sole beneficiary under the Will. The respondent has also given a consent affidavit expressing the consent for grant of probate.

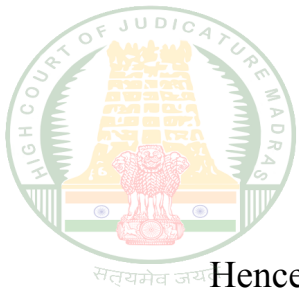
3. The petitioner has examined himself as PW1. He has produced the death certificate of Late.Kanaga as Exp3. The original registered will and testament dated 29.11.2000 as Ex.P2. The computer generated the death certificate of Mr.Sami Kannu, husband of the testatrix as Ex.P1. The Aadhar card of the petitioner and the respondent were marked as Ex.P6 and Ex.P12 to show the father of the petitioner and husband of the respondent are one



and the same. On perusal of the Ex.P6 and Ex.P12, it shows the relationship between the petitioner and the respondent. On perusal of Ex.P2, it shows that the petitioner is the foster son of the testatrix and his mother is the younger sister of the testatrix. Further, the testatrix stated in the will that she and her husband were issueless.

4. Mr.M.Balakumar, who is the 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. The respondent has been examined by the petitioner as PW3. The consent affidavit of the respondent has been marked as Ex.P12.

5. The assertions in the petition have been duly proved by adducing oral evidence and 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 for the last Will and testament dated 29.11.2000.

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Index :Yes/No

Petitioner's witness:

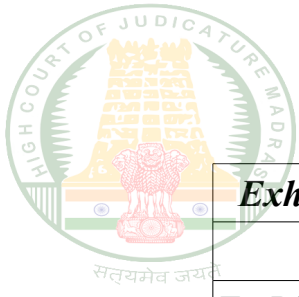
P.W.1 - Mr.L.Balaji

P.W.2 – Mr.M.Balakumar

P.W.3 – Mrs.Kuppammal

Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Computer generated death certificate of Mr.Sami Kannu
Ex.P2	Original registered Will and Testament dated 29.11.2000 executed by Mrs.Kanaga.
Ex.P3	Computer generated death certificate of Mrs.Kanaga.
Ex.P4	Proceedings dated 27.04.1993 issued by Directorate of Tamilnadu Slum Clearance Board regarding the allotment of plot to Mrs.Kanaga (Compared with the original)
Ex.P5	Photocopy of the No Objection Certificate dated 08.04.1994 issued to Mrs.Kanaga by Estate Officer, Tamilnadu Slum Clearance Board (Compared with the original)
Ex.P6	Photocopy of my Aadhaar Card (Compared with the original)
Ex.P7	Affidavit of assets showing the net value of the estate as



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<i>Exhibits</i>	<i>Documents</i>
	Rs.24,50,000/-
Ex.P8	Certificate under Section 65 B of the Indian Evidence Act, 1872.
Ex.P9	My affidavit.
Ex.P10	Photocopy of my Aadhaar Card (Compared with the original)
Ex.P11	Consent affidavit given by me.
Ex.P12	Photocopy of my Aadhaar Card (Compared with the original)

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