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O.P.No.501 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **20.03.2025**

CORAM

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

O.P.No.501 of 2024

Mr.Siddarth Bahety

...Petitioner

VS.

1.Mrs.Kavita Bahety
2.Mr.Sukhi Bahety
3.Mr.Ajay Bahety
4.Mr.Lakshya Aravind

...Respondents

PRAYER: Original Petition filed under Sections 222 and 276 of the Indian Succession Act 39 of 1925 read with Order XXV Rule 4 of the Original Side Rules, 1956, prays that this Hon'ble Court may be pleased to allow the petitioner to prove the Will dated 24.06.2020 of late Narayan Dass Bahety @ N.D.Bahety, the deceased above named, in common form, and that, Probate thereof to have effect throughout the State of Tamil Nadu be granted to the petitioners.

For Petitioner : Mr.V.Haribabu
For Respondents : No appearance

**ORDER**

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This Original Petition has been filed for issuance of Probate for the Last Will and testament dated 24.06.2020 executed by Late.Narayan Dass Bahety @ N.D.Bahety, who died on 18.06.2021. The petitioner is one of the executors named in the said Will who was directed to act jointly or severally/individually.

2. The petitioner and the respondents 2 and 3 are the sons of the testator. The first respondent is the wife of the testator. The fourth respondent is the grandson of the testator through his predeceased son. The petitioner and the respondents 1 to 3 are the beneficiaries named in the said Will of the testator. The respondents 1 to 4 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 computer generated death certificate of testator as Ex.P1. The computer generated legal heir certificate of testator as Ex.P2. The original will and testament dated 24.06.2020 as Ex.P3. The photocopy of the probate order in O.P.No.271 of 2009 in favour of the testator as Ex.P4, wherein the Will



executed by the father of the testator was probated. On perusal of the Ex.P2, shows that the the petitioner and the respondents 1 to 3 are the surviving legal heirs of the deceased. The consent affidavit of the respondents have been marked as Ex.P5 to Ex.P8.

4. Mrs.Sarika Bahety, who was the first attesting witness to the said Will has been examined as PW2. The attesting witness had spoken about the execution of the Will by the testator and its attestation by her and marked her affidavit as Ex.P9.

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 24.06.2020.

20.03.2025

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Index :Yes/No

Petitioner's witness:

P.W.1 – Mr.Siddarth Bahety

P.W.2 – Mrs.Sarika Bahety



Documents exhibited by the petitioners:

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Exhibits	Documents
Ex.P1	Computer generated copy of the death certificate of Narayan Dass Bahety issued on 30.07.2021.
Ex.P2	Computer generated copy of the legal heir certificate of Narayan Dass Bahety dated 22.10.2021.
Ex.P3	Original Will of N.D.Bahety dated 24.06.2020.
Ex.P4	Photocopy of the Probate order in O.P.No.271/2009 in favour of N.D.Bahety dated 01.02.2010.
Ex.P5	Consent affidavit of Kavita Bahety dated 14.06.2024.
Ex.P6	Consent affidavit of Sukhi Bahety dated 14.06.2024.
Ex.P7	Consent affidavit of Ajay Bahety dated 14.06.2024.
Ex.P8	Consent affidavit of Lakshya Aravind dated 06.01.2025.
Ex.P9	Affidavit of Sarika Bahety.

20.03.2025

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