



WEB COPY

O.P.No.676 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **23.06.2025**

CORAM

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

O.P.No.676 of 2024

1.Dr.Ramachandra Guha
2.Dr.Soumitra Pathare

...Petitioners

VS.

1.Sarvepalli Radhakrishnan Foundation
“Girija”, 94, Dr.Radhakrishnan Salai,
Mylapore, Chennai,
Tamil Nadu-600 004.

2.Mrs.Srilata Iyer

3.Mrs.Sucharita Ranganathan

4.Dr.Gautam Desiraju

...Respondents

PRAYER: Original Petition filed under Section 222 and 276 of the Indian Succession Act, XXXIX of 1925 read with Order XXV Rule 4 of the Madras High Court Original Side Rules, prays that the petitioners may be allowed to prove the Will and Testament dated 11.04.2014 executed by Late Mr.Keshav N.Desiraju in common form, and that the probate thereof to have effect through the Union of India may be granted to them, and thereby render justice.



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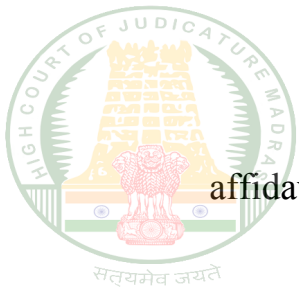
For Petitioner : M/s.Suhrith Parthasarathy

For Respondents : Mr.Suscindran(For R1 to R3)
Mr.B.Prashanth Nadaraj (For R4)

ORDER

This Original Petition has been filed for issuance of Probate for the last Will and testament dated 11.04.2014 executed by Late Mr.Keshav N.Desiraju, who died on 05.09.2021. Both the petitioners have been appointed as the executors under the Will.

2. The respondents 2 to 4 are the siblings of the testator, whereas the 1st respondent is a trust having a registered office at “Girija”, 94, Dr.Radhakrishnan Salai, Mylapore, Chennai-600004. In accordance with the Will executed by the testator on 11.04.2014, the 2nd petitioner and the 1st respondent are the beneficiaries named in the said will. The respondents 2 to 4 have expressed their consent to grant the Probate and their consent affidavits have been filed along with the petition. The learned counsels for the respondents 1 to 3 and the 4th respondent have appeared on behalf of them expressing the consent to grant the probate and reiterated the consent



affidavits.

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3. The second petitioner has been examined as PW1, she had submitted 12 documents which are marked as Ex.P1 to Ex.P12, as listed in the foot of the order. The death certificate of the Late Mr.Keshav N.Desiraju has been marked as Ex.P1. The original will of Late Mr.Keshav N.Desiraju dated 11.04.2014 exhibited as Ex.P2, clearly proves that the both the petitioners are named as executors and it further demonstrates that the 2nd petitioner and the 1st respondent are the only beneficiaries under the said Will.

4. Mr.Narayanan, who was one of 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 testator and its attestation by him.

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 11.04.2014.

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Index :Yes/No

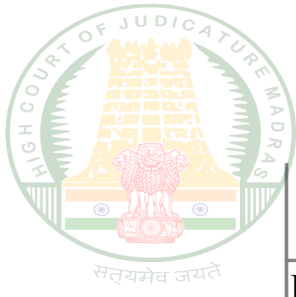
Petitioner's witness:

P.W.1 – Dr.Soumitra Pathare

P.W.2 – Mr.Narayanan

Documents exhibited by the petitioners:

Exhibits	Documents
Ex.P1	Webcopy of the Death Certificate of Late Mr.Keshav N.Desiraju (Date of Death 05.09.2021) dated 06.09.2021.
Ex.P2	Original Will of Late Mr.Keshav N.Desiraju dated 11.04.2014.
Ex.P3	Photocopy of the Palu Patti Agreement dated 24.03.1986 (A Statement of Division of property) in respect of the property in Bangalore (along with translated copy)(Original produced, compared and returned.)
Ex.P4	Photocopy of the Special Notice under Rule Nos.8 & 9, Schedule III, Section 147 of the Karnataka Municipal Corporation Act, 1976, in respect of the property in Bangalore.(Original produced, compared and returned.)
Ex.P5	Printout copy of the Valuation Report of the property in Bangalore dated 04.11.2023.(Original produced, compared and returned.)
Ex.P6	Photocopy of the Sale Deeds in respect of the property in



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	Uttarkhand dated 07.05.1990.(along with translated copy)(Original produced, compared and returned.)
Ex.P7	Photocopy of the Sale Deeds in respect of the property in Uttarkhand dated 01.12.1990(along with translated copy)(Original produced, compared and returned.)
Ex.P8	Photocopy of the Sale Deeds in respect of the property in Uttarkhand dated 28.10.2006. (along with translated copy)(Original produced, compared and returned.)
Ex.P9	Photocopy of the Sale Deeds in respect of the property in Uttarkhand dated 01.07.2009 (along with translated copy)(Original produced, compared and returned.)
Ex.P10	Printout copy of the Guideline value of the property in Uttarkhand.
Ex.P11	Certified copy of the Sale Deed in respect of the property in Chennai dated 02.01.2020.
Ex.P12	Web copy of the Guideline Value Downloaded from the government website for the property in Chennai.

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