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O.P.No.117 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2025

CORAM :

THE HONOURABLE MR.JUSTICE P.DHANABAL

O.P. No.117 of 2025

Dr.M.K.Radhakrishnan

...Petitioner

Vs.

1. M.K.Ravikrishnan
2. M.K.Ananthakrishnan
3. M.K.Bhuvana Rani
4. P.K.Narayanamurthy
5. N.Amarnath
6. N.Premnath

...Respondents

PRAYER: Original Petition is filed under Sections 222 and 276 of the Indian Succession Act 1925 and under Order XXV Rule 4 of Madras High Court Original Side Rules for issuing Probate.

For petitioner : Mr. Y.Kavitha for
M/s PVS. Giridhar Associates

For Respondents : Ms.S.Shivashankari

ORDER

This petition has been filed under Section 222 and 276 of the Indian Succession Act read with Order XXV Rule 4 of Madras High Court Original Side Rules seeking to grant Probate of the Will dated 15.07.2010 executed by Late Mrs.Hemavathy to have effect limited to the State of Tamil Nadu.



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2. According to the petitioner, the petitioner and the respondents 1 and 2 are the sons of the testatrix, Mrs.Hemavathy. The 3rd respondent is the daughter of the testatrix. That apart, one of the daughter of the testatrix, viz., Mrs.Jamuna Rani died on 20.12.2023 and the respondents 4 to 6, are the husband and sons / legal heirs of the said daughter, viz., Jamuna Rani. The testatrix was the absolute owner of the property described in the petition. The said property was purchased by the testatrix during her lifetime. The testatrix executed a Will dated 15.07.2010 bequeathing the immovable properties in favour of her daughter, Mrs.M.K.Buvana Rani, the 3rd respondent herein. The petitioner was appointed as executor of the said Will executed by the testatrix Late Hemavathy.. Thereafter, the testatrix died on 19.02.2017 leaving behind the petitioner and the respondents as the legal heirs. The market value of the schedule mentioned properties would not exceed Rs.10,50,000/-.

3. The testatrix had appointed the petitioner as the executor of the Will and the petitioner and the respondents are the beneficiaries of the said Will. Except the petitioner and the respondents, there are no other next of kin to the testator to be impleaded. The two attesting witnesses are not traceable and their whereabouts are not known to the



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petitioner, a third party affidavit of one Mr.Ramesh, who is conversant with the signature of the testatrix and also one of the attesting witness namely, Mr.Pulliah is filed. Further, Mr.Ramesh was also present at the time of execution of the Will by the testatrix.

4. The amount of assets which is likely to come to the petitioner's hand does not exceed in the aggregate sum of Rs.10,50,000/-. The petitioner had undertaken to duly administer the specified property and credits of the deceased in any way concerned his Will by paying the debts first and then the legacies therein bequeathed so far as the assets will extend and to make full and true inventory thereof and exhibits the same in this Court within the six months from the date of the grant of probate to the petitioner and also to render to this Court a true account of the said property within one year from the said date.

5. In order to prove the claim of the petitioner, PW1 and PW2 were examined on the side of the petitioner and Ex.P.1 to Ex.P.8 were marked. ExC1 was also marked. The petitioner, son of the testatrix, has been examined as PW1 and one Ramesh has been examined as PW2.

6. PW1, the petitioner herein, in his evidence had narrated the averments made in the petition stating that he has filed this petition for



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grant of Probate of the Last Will and Testament executed by the deceased Late Hemavathy on 15.07.2010. The said Will and testamant has been marked as 'Ex.P.1'. PW2, in his evidence, had stated that the testatrix had executed a Will dated 15.07.2010 and he was also present along with the testatrix at the time of execution of Will. He has also identified the signature of the testatrix in the Will. Since the attesting witnesses are not available, the person who has acquaintance with the handwritings and signatures of one of the attestors and the testatrix was examined as PW2. Therefore, the execution of the Will and attestation are duly proved in accordance with law.

7. From the averments made in the petition and the depositions of PW1 and PW2 supported by the documents, it is clear that the petitioner has proved his claim and there is no contra evidence. Hence, this Court is satisfied that the petitioner is entitled to the relief as prayed for in the petition.

8. In the result, the Original Petition is **allowed** and the Will executed by Late Hemavathy dated 15.07.2010 is hereby probated.

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Index : Yes/No
Speaking Order : Yes/No
ssd

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APPENDIX:

List of Petitioner side Witnesses:

PW1 : Dr.M.K.Radhakrishnan

PW2 : Mr.Ramesh

List of Petitioner side Documents:

Exhibit No.	Date	Description of Documents.
Ex.P.1	15.07.2010	Original Will of Mrs.Hemavathy registered vide Doc.No.102 of 2010 in Book III on the file of the Sub-Registrar, Sembiam
Ex.P.2	20.02.2017	Photocopy of death certificate of Mrs.Hemavathy
Ex.P.3	11.06.2024	Photocopy of legal heir certificate of Mrs.Hemavathy
Ex.P.4	27.08.2008	Photocopy of the sale deed registered vide Doc.No.9480/2008
Ex.P.5	02.01.2024	Online copy of Death certificate of Jamuna Rani
Ex.P.6	21.01.2024	Online copy of legal heir certificate of Jamuna Rani
Ex.P.7	-	Aadhaar Card of Dr.M.K.Radhakrishnan
Ex.P.8	-	Affidavit of Assets

Exhibit No.	Date	Description of Documents.
Ex.C.1	-	Affidavit of attesting witness Mr.Ramesh

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