



WEB COPY

O.P.No.17 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **25.06.2025**

CORAM

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

O.P.No.17 of 2025

S.Shivalingham

...Petitioner

VS.

1.Meenakshi
2.Prema
3.Sushila
4.Uma

...Respondents

PRAYER: Original Petition filed under Section 222 & 276 of the Indian Succession Act (Act 39 of 1925) and Under Order XXV Rule 4 of O.S. Rules, 1956, praying that this Hon'ble Court may graciously be pleased to allow the petitioner/executor to prove the Will of the said deceased SV.Chettiappan, dated 16.04.2012 registered as Document No.24/2012 on the file of Sub Registrar, Adyar, Chennai – 600 020, in common form and that probate thereof, to having effect limited to the State of Tamil Nadu may be granted to the petitioner.

For Petitioner : Mr.S.Shyamala

For Respondents : Mr.N.S.Udhaya Sekar

**ORDER**

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This Original Petition has been filed for issuance of Probate for the Last Will and testament dated 16.04.2012 executed by Late.Mr.S.V.Chettiappan, who died on 20.05.2012. The petitioner has been appointed as executor under the Will.

2. The petitioner submits that testator Late.Mr.S.V.Chettiappan got married to one Mrs.Annapoorani Aachi and had begotten the petitioner and the respondents 1 to 4 as their children. The petitioner submits that his mother Mrs.Annapoorani Aachi died on 11.04.2021, leaving behind the petitioner and the respondents 1 to 4 as the only legal heirs of herself and the testator. The petitioner is the only beneficiary named under the said will executed by the testator. The respondents have also filed their consent affidavits expressing their consent for the grant of probate in favour of the petitioner. The learned counsel for the respondents 1 to 4 had appeared on behalf of them expressing the consent of the respondents 1 to 4 and reiterated their respective consent affidavits.

3. The petitioner has been examined as PW1, he had produced 7 documents to support his deposition which are listed as Ex.P1 to Ex.P7 at the foot of the order. The original Will dated 16.04.2012 executed by the testator

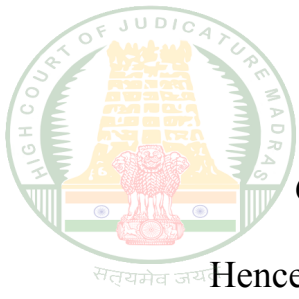


registered as Doc.No.24 of 2012 in SRO, Adyar has been marked as Ex.P3.

He has produced the computer generated death certificate of the testator Mr.S.V.Chettiappan and his wife Mrs.Annapoorni Aachi as Ex.P1 and Ex.P4 respectively. The photocopies of the legal heirship certificate of the testator and his wife Mrs.Annapoorni Aachi has been marked as Ex.P2 and Ex.P5 respectively. A joint perusal of Ex.P2 and Ex.P5 clearly shows that the petitioner and the respondents 1 to 4 are the only legal heirs of the testator. From Ex.P3 it can be deduced that the petitioner is appointed as the executor of the Ex.P3 and also he is named as the sole beneficiary under Will executed by the testator.

4. Mrs.Mechu Karruppiah, 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 him along 2nd attesting witness and marked his affidavit as Ex.P9.

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 16.04.2012.

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Index :Yes/No

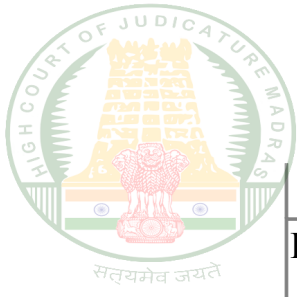
Petitioner's witness:

P.W.1 – Mr.S.Shivalingam

P.W.2 – Mrs.Mechu Karruppiah

Documents exhibited by the petitioners:

Exhibits	Documents
Ex.P1	Computer generated death certificate of Mr.S.V.Chettiappan who died on 20.05.2012.
Ex.P2	Photocopy of the legal heir certificate of Mr.SV.Chettiyappan issued on 12.06.2012.(Compared with the original)
Ex.P3	Original Will executed by Mr.SV.Chettiappan on 16.04.2012 and registered as Doc.No.24/2012 before the SRO, Adyar.
Ex.P4	Computer generated death certificate of S.Annapoorani Aachi who died on 11.04.2021.
Ex.P5	Computer generated legal heir certificate of S.Annapoorani Aachi.
Ex.P6	Photocopy of the partition deed dated 16.04.2008 and registered as Doc.No.896/2008.(Compared with the original)
Ex.P7	Affidavit of assets showing the net value of estate is Rs.36,58,604/-
Ex.P8	Certificate under Section 63 of BSA for Exs.P1, P4 and P5 filed by the petitioner.
Ex.P9	Affidavit of P.W.2 is marked as attesting witness in this



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	regard.
Ex.P10	Photocopy of Aadhar Card of P.W.2.(Compared with original)

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K.KUMARESH BABU, J.

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