



O.P.No.522 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on :22.01.2025

Pronounced on :29.01.2025

Coram:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

ORIGINAL PETITION NO.522 OF 2024

1) Mr. Raghunandan V Dole,
S/o of Late Mr. Vasant H Dole,
Park View Residency,
Tower No.7, Flat No.1303,
Sector 3, Palam Vihar, Gurgaon-122 017.

2) Mrs. Deepa Panth,
W/o Mr. N. Jagannath Panth,
& D/o Late Mr. V. Madhava Rao,
53,1st Floor, 4th Main Road,
2nd Stage, Postal Colony,
Sanjay Nagar, Bangalore North,
RMV Extension 2nd Stage,
Bangalore-560 094.

....Petitioners

/Versus/

1) Mrs. Aparna Nagesh Prakash,
W/o Mr. K. Nagesh Prakash,
C/o Mrs. Gayatri Muralidhar,
Anusha Srinivas, Flat No. S1,



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No.2, Ganapathy Colony,
Second Street, Gopalpuram,
Chennai-600 086.

2) Mrs. Anupama Arun,
W/o Mr. Arun Venkataraman,
C/o Mrs. Gayatri Muralidhar,
Anusha Srinivas,
Flat No. S1, No.2,
Ganapathy Colony,
Second Street, Gopalpuram,
Chennai - 600 086.

3) Mrs. Achala Abhay Khot,
W/o Mr. Abhay Khot,
C/o Mrs. Gayatri Muralidhar,
Anusha Srinivas,
Flat No. S1, No.2,
Ganapathy Colony,
Second Street, Gopalpuram,
Chennai-600 086.

4) Mrs. Gayatri Muralidhar
W/o Mr. S. Muralidhar &
D/o Late Mr. V. Kedar Rao
Anusha Srinivas, Flat No. S1,
No.2, Ganapathy Colony,
Second Street, Gopalpuram,
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5) Mrs. Suchitra Murari,
W/o Mr. Srikrishna Murari



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& D/o Late Mr. Gopal Rao,
C/o Mrs. Gayatri Muralidhar,
Anusha Srinivas, Flat No. S1,
No.2, Ganapathy Colony,
Second Street, Gopalpuram,
Chennai - 600 086.

6) Mrs. Sheetal Raghunandan Vasanth Dole
W/o Mr. Raghunandan V Dole
C/o Mrs. Gayatri Muralidhar,
Anusha Srinivas, Flat No. S1,
No.2, Ganapathy Colony,
Second Street, Gopalpuram,
Chennai - 600 086.

7) Mrs. V. Lalitha
W/o Late Mr. V. Viswanatha Rao
C/o Mrs. Gayatri Muralidhar,
Anusha Srinivas, Flat No. S1,
No.2, Ganapathy Colony,
Second Street, Gopalpuram,
Chennai - 600 086.

8) Mr. M. Dhananjai Rao
S/o Late Mr. V. Madhava Rao
C/o Mrs. Gayatri Muralidhar,
Anusha Srinivas, Flat No. S1,
No.2, Ganapathy Colony,
Second Street, Gopalpuram,
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9) Mrs. T. V. Prabhavati
W/o Late Mr. V. Kedar Rao



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C/o Mrs. Gayatri Muralidhar,
Anusha Srinivas, Flat No. S1,
No.2, Ganapathy Colony,
Second Street, Gopalpuram,
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10) Mrs. Meera Rao
W/o Late Mr. V Gopal Rao
C/o Mrs. Gayatri Muralidhar,
Anusha Srinivas, Flat No. S1.
Ganapathy Colony,
Second Street, No.2. Gopalpuram,
Chennai-600 086

.....Respondents

Prayer: Original Petition has been filed under Sections 222 & 276 of the Indian Succession Act, 1925 (Act XXXIX of 1925) read with Order XXV, Rule 4 of O.S. Rules, praying that the petitioners may be allowed to prove the Will of the deceased Ms.V.Saroja, dated 16.03.2005 in common form and that probate thereof to have effect limited to the State of Tamil Nadu may be granted to the petitioners (Mr.Raghunandan V.Dole and Mrs.Deepa Panth).

For Petitioners :Mr.A.R.Karunakaran
For R1 to R10 :Mr.R.Varoon

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ORDER

Ms.V.Saroja, died as a Spinster died on 08.08.2009 at Chennai. During her life time, she had received jewellery as gift from her parents and acquired property. She had executed a Will on 16.03.2005 and duly registered it at SRO, Mylapore. Under her Will, the jewellery are enumerated under schedule “A” and the immovable property namely flat at Mylapore, is morefully described under schedule “B”. She has appointed the petitioners namely, Mr.Raghunandan V Dole and Mrs.Deepa Panth as Executors jointly. After her death, the Executors have filed this Original Petition seeking Probate.

2. The niece, nephew and the wife of nephew are the beneficiaries under the Will. They are all arrayed as respondents.

3. To prove the due execution of the Will, the first petitioner (Mr.Raghunandan V.Dole) was examined as PW-1, the second petitioner (Mrs.Deepa Panth) was examined as PW-2. In the proof affidavit, the reason



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for delay in filing the Probate proceedings has been explained. The Will being a registered Will and duly proved by examining one of the attesting witnesses by name Mr.V.Srikrishna Murari (PW-3). He has identified the signature of the testatrix and his own signature found in the Will Ex.P1. The petitioners have given an undertaking that they will duly administer the property and credits of the said V.Saroja the deceased Spinster as per her wish found in the Will and make full and true inventory thereof and execute the same within six months from the date of grant of Probate and also had given an undertaking to render true account of the said property with credits within one year from the date of grant of Probate.

4. Taking into consideration the evidence both oral and testimony along with the consent affidavits given by the respondents, this Original Petition is allowed as prayed for.

5. Accordingly, Probate in respect of the last Will of the Testatrix Ms.V.Saroja is granted in favour of the petitioners.



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6. The petitioners are directed to render true and correct inventory thereof and execute the same, within six months, from the date of grant of Probate and directed to render true account of the said property with credits, within one year, from the date of grant of Probate.

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Petitioner's witness:-

PW-1 :Mr.Raghunandan

PW-2 :Mrs.Deepa Panth

PW-3 :Mr.V.Srikrishna Murari

Documents marked:-

Exhibit	Details
Ex.P1	Registered Will and Testament dated 16.03.2005 executed by Ms.V.Saroja.
Ex.P2	Computer generated death certificate of Ms.V.Saroja.
Ex.P3	Computer generated death certificate of Mr.E.Vinayaka Row.
Ex.P4	Computer generated death Certificate of Mrs.V.Lakshmi Bai.
Ex.P5	Photocopy of the probate of Will of Mr.E.Vinayaka Row issued by this Hon'ble Court on 29.10.1990.
Ex.P6	Photocopy of the family arrangement dated 07.12.1989.
Ex.P7	Photocopy of the memorandum of agreement dated 01.06.1991.
Ex.P8	Downloaded copy of the property tax receipt dated 26.03.2023



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	standing in the name of Ms.V.Saroja.
Ex.P9	Affidavit of assets showing the net value of the estate as Rs.29,80,000/-.
Ex.P10	Certificate under Section 65B of the Indian Evidence Act, 1872.
Ex.P11	Affidavit of PW-3 as attesting witness.
Ex.P12	Photocopy of PW-3 Aadhaar Car.

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DR.G.JAYACHANDRAN,J.

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delivery Order made in
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