



WEB COPY

O.P.No.614 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **19.03.2025**

CORAM

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

O.P.No.614 of 2024

C.G.Mercylin

...Petitioner

VS.

Sylvia Ranjini Rebecca
@ Sylvia Narendran

...Respondent

PRAYER: Original Petition filed under Section 222 and 276 of Indian Succession Act of XXXIX of 1925 and under Order XXV Rule 4 of the Original Side Rules, prays that he may be allowed to prove the Will in common form and that Probate thereof to have effect throughout the State of Tamil Nadu may be granted to the petitioner.

For Petitioner : Mr.Christopher Vijayachandran

For Respondent : Mr.G.Thanigaivel

ORDER

This Original Petition has been filed for issuance of Probate for the Last Will and testament dated 09.02.2001 executed by Late.J.M.David, who died on 17.09.2023. The petitioner has been appointed as executor under the Will.



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2. The respondent is the foster daughter of the testator. The respondent and her adopted mother are the beneficiaries under the Will. The wife of the testator and mother of the respondent died on 19.04.2024. The respondent has also filed her consent affidavit expressing her consent for the grant of probate.

3. The petitioner has examined himself as PW1. He has produced the original Will and Testament dated 09.02.2001 as Ex.P1. The computer generated death certificates of the deceased and her wife as Ex.P2 and Ex.P3. The Consent affidavit of the respondent as Ex.P7. The death certificates of the attesting witnesses as Ex.P4 and Ex.P5. On perusal of Ex.P1, the testator had bequeathed his property to his foster daughter and his wife. From the above observation, it can be inferred that the respondent is the foster daughter of the testator.

4. Mrs.Sunitha Balraj, who is the wife of second attesting witness to the said Will has been examined as PW2. The PW2 had identified the signature of the testator as well as the signature of the second attesting



witness and marked her affidavit as Ex.P8.

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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 09.02.2001.

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Index :Yes/No

Petitioner's witness:

P.W.1 – Mr.C.G.Mercylin

P.W.2 – Mrs.Sunitha Balraj

Documents exhibited by the petitioners:

Exhibits	Documents
Ex.P1	Original Will dated 09.02.2001.
Ex.P2	Computer generated copy of the death certificate of John Manoharan David issued on 30.10.2023.
Ex.P3	Computer generated copy of the death certificate of Sarojini David issued on 08.05.2024.
Ex.P4	Computer generated copy of the death certificate of M.K.Subramanian issued on 04.06.2024.
Ex.P5	Computer generated copy of the death certificate of Wilfred Balraj issued on 16.09.2015.
Ex.P6	Affidavit of assets where the net value of the estate Rs.90,00,000/-



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Ex.P7	Consent affidavit of the respondent.
Ex.P8	Affidavit of the 2 nd Attesting Witnesses.

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