



WEB COPY

O.P.No.607 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **03.07.2025**

CORAM

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

O.P.No.607 of 2024

Mr.P.Elangovan

...Petitioner

VS.

1.P.Kannan
2.Venkatesan Pachaiyappan
3.P.Santhakumari
4.Hemalatha Manivannan

...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 High Court Original Side Rules, 1956, praying to allow the petitioner to prove the Will in common form, and that probate thereof, to have effecting throughout the State of Tamil Nadu may be granted to him.

For Petitioner : Mr.A.Abdul Rahman
For M/s.AGD Law Associates

For Respondents : Ms.K.Parameshwari
For Mr.D.Pradeep Kumar

**ORDER**

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This Original Petition has been filed for issuance of Probate for the Last Will and testament dated 15.04.1998 executed by Late.Mr.R.Pachaiyappan, who died on 19.03.2020. The petitioner has been appointed as executor under the Will.

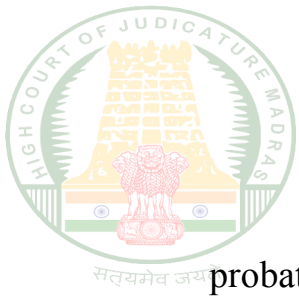
2. The petitioner submits that the testator had begotten five children, the petitioner, the respondents 1 to 3 and a deceased daughter Late Mrs.P.Vani. The petitioner has impleaded the daughter of Late Mrs.P.Vani as the 4th respondent to the petition. The petitioner submits that the testator before his death, had executed a Will on 15.04.1998 in which he had named the petitioner and respondents 1 and 2 as the beneficiaries. It is pertinent to note that in accordance with the Will dated 15.04.1998 testator had bequeathed the immovable properties mentioned in the Will as follows; property described in the 'A-Schedule' devolves upon the petitioner, property described in the 'B-Schedule' devolves upon the 1st respondent and the property described in the 'C-Schedule' devolves upon the 2nd respondent. The petitioner and the respondent 1 to 3 are the only surviving legal heirs of the testator.



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3. The petitioner has been examined as PW1, he had produced 5 documents to support his deposition which are listed as Ex.P1 to Ex.P5 at the foot of the order. The original Will executed by the testator has been marked as Ex.P1. He has produced the death certificate of Late Mr.R.Pachaiyappan as Ex.P2. The Legal heir certificate of testator has been marked as Ex.P4. The photocopy of the Aadhar card of the petitioner has been marked as Ex.P3. From the perusal of Ex.P1 it is clear that the petitioner is appointed as the executor of the Will dated 15.04.1998 and further substantiates that the petitioner along with the respondents 1 and 2 are named as the beneficiaries under the Will.

4. Mr.K.Rajasekar who is a third party attesting witness has been examined as PW2, *vide* order dated 28.04.2025 in the Application No.2225 of 2025. He had filed his proof affidavit in which he had explained that he could recognize the signatures of the testator Mr.R.Pachaiyappan and one of the attesting witness to the Will Late Mr.Gunashekaran and identified the same in the Ex.P1.



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5. The respondents 1 to 4 had expressed their consent to grant the probate of the Will dated 15.04.1998, in favour of the petitioner. The learned counsels to the respondents 1 to 4 had appeared on behalf of them and had reiterated their respective consent affidavits.

6. 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.

7. 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 15.04.1998.

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Index :Yes/No

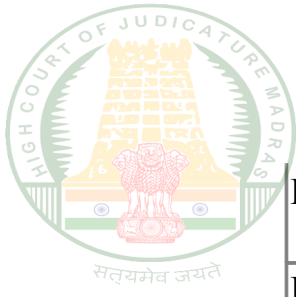
Petitioner's witness:

P.W.1 – Mr.P.Elangovan

P.W.2 – Mr.K.Rajasekar

Documents exhibited by the petitioners:

Exhibits	Documents
Ex.P1	Original Will executed by R.Pachaiyappan dated 15.04.1998.



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Ex.P2	Printout of the Death Certificate of R.Pachaiyappan dated 21.09.2020.(Certificate u/s 65B of I.E.Act produced)
Ex.P3	Photocopy of the Aadhaar Card of the petitioner.(Compared with original)
Ex.P4	Printout of the Legal heir certificate of R.Pachaiyappan dated 04.09.2021.(Certificate u/s 65B of I.E.Act produced)
Ex.P5	Photocopy of the Sale Deed vide doc no.372 of 1961 dated 26.04.1961.(Compared with original)

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K.KUMARESH BABU, J.

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