



WEB COPY

O.P.No.795 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **30.04.2025**

CORAM

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

O.P.No.795 of 2022

P.Latha

...Petitioner

VS.

1.R.Aravindhan
2.V.Ravichandran
3.Elango M
4.Krithiga.N
5.Subhashree.N.,

...Respondents

PRAYER: Original Petition filed for Probate under Sections 222 & 276 of the Indian Succession Act 1925 read with Order XXV Rule 4 of Original Side Rules, praying that this Hon'ble Court may be pleased

a) To allow the petitioner to prove the Will in common form, and that probate thereof, to have effect throughout the State of Tamil Nadu, may be granted to her.

b) For such other reliefs as this Hon'ble Court may deem fit and render justice.

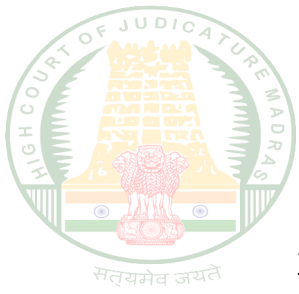
For Petitioner : Mr.V.P.Rajendran
For Respondents : M/s.D.Arokia Mary Sophia
(For R1 to R3)
M/s.N.Kokila
(For R4 & R5)

**ORDER**

This Original Petition has been filed for issuance of Probate for the

Last Will and testament dated 12.02.2020 executed by Late.Mrs.Jayanthi Santhanam, who died on 14.05.2021. The petitioner has been appointed as executor under the Will.

2. The petitioner is the cousin sister of the testatrix, the 1st respondent is the nephew of the testatrix's husband Late.Mr.Santhanam through his brother Late.Mr.Rajagopalan and the 2nd respondent is testatrix's cousin's son, the other respondents 3 to 5 are the third parties who are not related to the testatrix. The petitioner submits that the deceased testatrix was married to one Late.Mr.K.R.Santhanam who predeceased the testatrix and the couple did not have any issues from their marriage. The petitioner along with all the respondents 1 to 5 are named as the beneficiaries under the will dated 12.02.2020. The 1st respondent is bequeathed with the immovable property mentioned in the Schedule 'A', 'B' and 'C' of the Will. The petitioner and respondents 2 to 5 are bequeathed with cash deposits, jewels and other movable properties. The petitioner submits that the movable properties like cash deposits and jewellery have been settled out of the court among its rightful beneficiaries in accordance with the Will dated 12.02.2020.



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3. The petitioner has been examined as PW1. She has produced the original will and testament dated 12.02.2020 as Ex.P4. The death certificate of Late.Mrs.Jayanthi Santhanam has been marked as Ex.P6. The Legal heir certificate of testatrix's husband Late.Mr.K.R.Santhanam has been marked as Ex.P3. The service of notice upon the respondents 1 to 5 have been completed and represented by counsels, expressing the consent of the respondents to grant the probate in favour of the petitioner. On perusal of Ex.P4 it is clear that the petitioner is named as the executor of Will and she along with the respondents 1 to 5 are the beneficiaries name under the will. The Ex.P3 shows that the testatrix did not have any issues.

4. Mrs.S.Geetha and Mrs.S.Santha, who are the first and the second attesting witnesses to the said Will have been examined as PW2 and PW3 respectively. These attesting witnesses have spoken about the execution of the Will by the testatrix and its attestation by them and have marked their affidavits as Ex.P14 and Ex.P16 respectively.

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.

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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 12.02.2020.

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Index :Yes/No

Petitioner's witness:

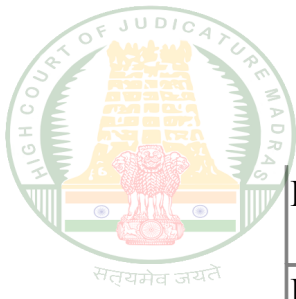
P.W.1 – Mrs.P.Latha

P.W.2 – Mrs.S.Geetha

P.W.3 – Mrs.S.Santha

Documents exhibited by the petitioner:

Exhibits	Documents
Ex.P1	Photocopy of the construction agreement dated 14.09.1986.
Ex.P2	Photocopy of the sale deed dated 25.09.1986 executed in favour of Testatrix and her husband.
Ex.P3	Original legal heirship certificate of Mr.K.R.Santhanam.
Ex.P4	Original Will and Testament dated 12.02.2020 executed by Mrs.Jayanthi Santhanam.
Ex.P5	Original burial ground report of Mrs.Jayanthi Santhanam.
Ex.P6	Computer generated death certificate of Mrs.Jayanthi Santhanam.
Ex.P7	Original cash receipt dated 07.07.2021 paid to Mr.V.Ravichandran.



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Ex.P8	Original cash receipt dated 07.07.2021 paid to Mr.M.Elango.
Ex.P9	Original cash receipt dated 07.07.2021 paid to Ms.N.Krithika.
Ex.P10	Original cash receipt dated 07.07.2021 paid to Ms.N.Subhashree.
Ex.P11	Original receipt of jewels dated 26.08.2021 given by the petitioner to Sri Venkatesa Perumal @ Srinivasa Perumal Temple, Kali, Mayiladuthurai Taluk.
Ex.P12	Photocopy of Aadhar Card.
Ex.P13	Affidavit of assets showing the net value of the estate as Rs.20 lakhs.
Ex.P14	Affidavit.
Ex.P15	Photocopy of Aadhar card. (Compared with original)
Ex.P16	Affidavit.
Ex.P17	Photocopy of Aadhar card (Compared with original)

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K.KUMARESH BABU, J.

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