



WEB COPY

O.P.No.304 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **26.03.2025**

CORAM

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

O.P.No.304 of 2024

1.L.Sugumar
2.L.Rajendran

...Petitioners

VS.

1.Mrs.Vinu (alias) S.Vijayalakshmi
2.Mr.S.Ganesh Kumar (alias) S.Ganesh
3.Mr.R.Santhosh
4.Mr.R.Adithya

...Respondents

PRAYER: Original Petition filed for grant of Probate of Will under Section 222 and 276 of the Indian Succession Act under Order XXV Rule 4 of O.S.Rules, petitioners pray that he may be allowed to prove the Will of L.Panneer Selvam (deceased) dated 17.11.2017 in common form and that probate thereof, to have effect limited to the State of Tamil Nadu may be granted to the petitioners.

For Petitioner : Mr.S.Ramesh Kumar

For Respondents : M/s.E.Papitha
For R1 to R4



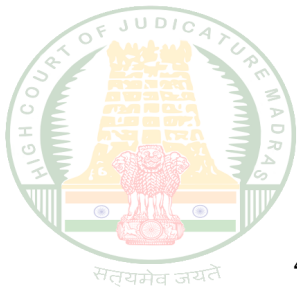
ORDER

WEB COPY

This Original Petition has been filed for issuance of Probate for the Last Will and testament dated 30.03.2012 executed by Late.Mr.L.Panneer Selvam, who died on 17.11.2017. The petitioners have been appointed as executor under the Will.

2. The petitioners are the brothers of the testator, the respondent R1 and R2 are the children of the first petitioner and the respondents R3 and R4 are the children of the second petitioner. The respondents R1 to R 4 are the only beneficiaries named in the said Will of the testator for the schedule property . The respondents have also filed their consent affidavits expressing their consent for the grant of probate.

3. The second petitioner has been examined as PW1. He has produced the death certificate of Late.Mr.L.Panneer Selvam as Ex.P1. The Legal heir certificate of the predeceased father of the testator marked as Ex.P3, which clearly proves that Petitioners are the brothers of the deceased testator. The original will dated 30.03.2012 as Ex.P8.



WEB COPY

4. Mr.S.P.Fakurudeen , 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 and marked his affidavit as Ex.P11.

5. The assertions in the petition have been duly proved by adducing oral evidence supported by documents. In these circumstances, the petitioners are 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 30.03.2012.

26.03.2025

kak

Index :Yes/No

Petitioner's witness:

P.W.1 – Mr.L.Rajendren

P.W.2 - Mr.S.P.Fakurudeen



Documents exhibited by the petitioners:

WEB COPY

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Computer generated death certificate of L.Panneerselvam along with Certificate under Section 65 of Indian Evidence Act 1872.
Ex.P2	Photocopy of the death certificate of S.Loganathan (Compared with the original)
Ex.P3	Photocopy of the Legal heir certificate of S.Loganathan (Compared with the original)
Ex.P4	Computer generated death certificate of L.Mohanambal along with certificate under Section 65 of Indian Evidence Act, 1872.
Ex.P5	Computer generated death certificate of L.Kalaimani along with certificate under Section 65 of Indian Evidence Act 1872.
Ex.P6	Photocopy of the sale deed in favour of L.Kalaimani and L.Panneerselvam executed on 03.02.2011 (Compared with the original)
Ex.P7	Photocopy of the Tamilnadu Government Gazette dated 27.04.2005 (Compared with original)
Ex.P8	Registered Will of L.Panneerselvam dated 30.03.2012.
Ex.P9	Photocopy of my Aadhar Card (Compared with the original)
Ex.P10	Affidavit of assets showing the net value of the estate as Rs.35,00,000/-
Ex.P11	Affidavit.
Ex.P12	Photocopy of my Aadhaar Card (Compared with the original)



WEB COPY

O.P.No.304 of



<i>Exhibits</i>	<i>Documents</i>
Ex.P13	Photocopy of the Judgement in MC.No.1817/2002 dated 18.03.2005 passed by the learned I Additional Principal Judge, Family Court at Bangalore. (This document is marked in pursuant to the order dated 05.02.2025 in A.No.6475 of 2024 passed by the Hon'ble Court.

26.03.2025

kak



WEB COPY

O.P.No.304 of



K.KUMARESH BABU, J.

kak

O.P.No.304 of 2024

26.03.2025