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O.P.No.807 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **15.04.2025**

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

O.P.No.807 of 2024

R.Venkatesh

...Petitioner

vs.

1.Mr.Bala Subramaniam

2.Mrs.Viji Senthil

3.Mrs.Sharada Arumugam

...Respondents

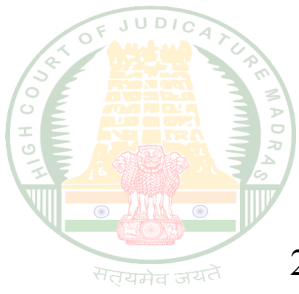
PRAYER: Original Petition filed for Probate with Will annexed under Section 222 & 276 of Indian Succession Act and Order XXV Rule 4 of the High Court O.S. Rules of 1956, prays that he may be permitted to prove the WILL in common form and the Probate thereof may be granted to petitioner to have effect limited to State of Tamil Nadu.

For Petitioner : Mr.M.Ravi

For Respondents : Mr.S.Mohamed Shalik
For Mr.S.Madhu Balaaji
(For R1 to R3)

ORDER

This Original Petition has been filed for issuance of Probate for the Last Will and testament dated 21.02.2022 executed by Late.Mrs.Jaya Kandasamy, who died on 07.03.2022. The petitioner has been appointed as executor under the Will.

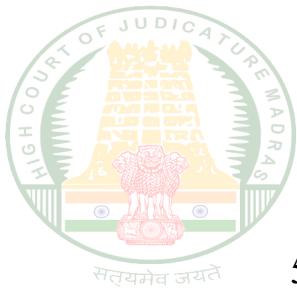


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2. The first respondent is the son of the testatrix whereas the second and third respondents are the daughters of the testatrix. The respondents 1 to 3 are the beneficiaries who are named under the said Will dated 21.02.2022. The respondents have also filed their consent affidavits expressing their consent for the grant of probate.

3. The petitioner has been examined as PW1. He has produced the original will executed by the testatrix dated 21.02.2022 as Ex.P13. The death certificate of the testatrix Late.Mrs.Jaya Kandasamy has been marked as Ex.P14. The Legal heir certificate of testatrix is marked as Ex.P15, which clearly shows that the respondents 1 to 3 are the only surviving legal heirs of the testatrix. From Ex.P13 it is clear that the petitioner who is the nephew of the testatrix through her sister has been appointed as the executor of the said will and the respondents 1 to 3 are the beneficiaries who are named under the will dated 21.02.2022.

4. Mr.P.Raghu, 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 testatrix and its attestation by him and marked his affidavit as Ex.P6.



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5. The second respondent had deposed evidence on behalf of the 1st and 3rd respondents, the Original Letter of Authorization executed by the 1st and 3rd respondents were marked as Ex.R1 and Ex.R2 respectively. The consent affidavits executed by the respondents 1, 2 and 3 are marked as Ex.C1, Ex.C2 and Ex.C3 respectively.

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 21.02.2022.

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Index :Yes/No

Petitioner's witness:

P.W.1 – Mr.R.Venkatesh

P.W.2 – Mr.P.Raghu

Documents exhibited by the petitioners:



Exhibits	Documents
Ex.P1	Photocopy of the Partition Deed in Doc No.64/66 on the file of SRO, Suramangalam dated 16.09.1966. Note: In the last page of Ex.P1 the particulars of document writer name and license number not mentioned. Like that on the back side of every page of the document there is no registration seal found.
Ex.P2	Certified copy of the Sale Deed in Doc No.516/1992 for Plot No.13 dated 17.02.1992.
Ex.P3	Certified copy of the Sale Deed in Doc No.936/1992 for Plot No.15 dated 11.03.1992.
Ex.P4	Certified copy of the Sale Deed in Doc No.2307/1998 for house property in Chennai dated 20.11.1998. (Original produced, compared and returned)
Ex.P5	Certified copy of the Sale Deed in Doc No.1729/2004 for house property in Chennai dated 09.06.2004. (Original produced, compared and returned)
Ex.P6	Online copy of the Settlement of shares standing in the name of Mrs.Jaya Kandasamy.
Ex.P7	Photocopy of the RC Book of CAR – HYUNDAI i-10, having registration No.TN-07-CH-8166 standing in the name Mrs.Jaya Kandasamy.(Original produced, compared and returned)
Ex.P8	Photocopy of the Passbook of Saving Bank Account No.01411570004007 HDFC Bank, R.A.Puram, Chennai – 600 028 in the name Mrs.Jaya Kandasamy.(Original produced, compared and returned)
Ex.P9	Photocopy of the Passbook of Savings account No.10029841426, State Bank of India, R.A. Puram Branch, Chennai – 600 028 in the name of Mrs.Jaya Kandasamy.(Original produced, compared and returned)
Ex.P10	Photocopy of the Death certificate of R.K.Kandasamy dated 23.04.2005.(Original produced, compared and returned)
Ex.P11	Photocopy of the Legal Heir Certificate of R.Kandasamy dated 30.04.2005.(Original produced, compared and returned)
Ex.P12	Photocopy of the Aadhaar Card of Mrs.Jaya



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	Kandasamy.(Original produced, compared and returned)
Ex.P13	Original Will executed by Mrs.Jaya Kandasamy dated 21.02.2022.
Ex.P14	Photocopy of the Death Certificate of Mrs.Jaya Kandasamy dated 21.03.2022.(Original produced, compared and returned)
Ex.P15	Photocopy of the Legal Heir Certificate of Mrs.Jaya Kandasamy.(Original produced, compared and returned)
Ex.P16	Online copy of the TSLR in respect of the property mentioned in Item No.1 & 2 of the above schedule dated May 2024.
Ex.P17	Photocopy of the Aadhaar Card of the petitioner.(Original produced, compared and returned)

Respondent's witness:

R.W.1 – Mrs.Viji Senthil

Documents exhibited by the Respondents:

Exhibits	Documents
Ex.R1	Original Letter of authorization executed by Mr.Bala Subramaniam (R1) dated 08.02.2025.
Ex.R2	Original Letter of authorization executed by Mrs.Sharada Arumugam (R2) dated 08.02.2025.
Ex.R3	Photocopy of the Aadhaar Card of Mrs.Viji Senthil.
Ex.C1	Original Consent Affidavit executed by Mr.Bala Subramaniam (R1) dated 07.03.2025.
Ex.C2	Original Consent Affidavit executed by Mrs.Sharada Arumugam (R3) dated 08.03.2025.
Ex.C3	Original Consent Affidavit executed by Mrs.Viji Senthil (R2) dated 19.03.2025.

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