



WEB COPY

TOS No. 38 of 2021



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-09-2025

CORAM

THE HONOURABLE DR.JUSTICE R.N.MANJULA

TOS No. 38 of 2021

1. P.Balasubramanyam

S/o.Paramasivan, No.7 (Old No.5) II

Main Road, CIT Nagar, Chennai-600

035

Appellant(s)

Vs

1. Gopalan

S/o.S.Narasimhan, No.27, 28th Street,

Thillaiganga Nagar, Nanganallur,

Chennai-600 061

2.G.Vidya

D/o.Gopalan, W/o.Suresh, No.27, 28th

Street, Thillaiganga Nagar,

Nanganallur, Chennai-600 061

Respondent(s)

PRAYER: Testamentary Original Suit is filed to prove the Will in Common form and that Probate thereof to have effect limited to the State of Tamil Nadu may be granted to the plaintiff.



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For Appellant(s): M/s.P.V.Vinod Kumar

For Respondent(s): M/s.P.B.Ramanujam

JUDGMENT

This Testamentary Original Suit is filed to prove the Will in Common form and that Probate thereof to have effect limited to the State of Tamil Nadu may be granted to the plaintiff.

2. Consent affidavits of Defendants 1 and 2 filed.

3. The Will dated 12.05.2009 has also been proved by examining the attesting witness as P.W.2.

4. On perusal of Ex.A1 – Will, it appears that the Will has been jointly executed by Late Mr.K.Atmaraman and Late Mrs.Kamala on 12.05.2009 and they have affixed their signatures. The attesting witness had also spoken in his evidence that the executants have affixed their signature and their presence during the execution of the Will and he had seen the testators affixing their signature in his presence. He further stated that the testators were found to be in sound and disposing state of mind at the time of execution of the Will.



6. The evidences of PW.1 and PW.2 and the documents available on record would show that the Will has been executed as per the terms of Section 63(c) of the Indian Successions Act and the same has been proved in terms of Section 68 of the Indian Evidence Act. Since the plaintiff had proved the genuineness of the Will and the defendants have filed their consent affidavit, the suit can be decreed as prayed.

7. In the result, the Testamentary Original Suit is decreed by granting probate of the last Will dated 12.05.2009 to the plaintiff to have effect limited throughout the State of Tamil Nadu.

22-09-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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