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O.P.No.140 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **19.02.2025**

CORAM

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

O.P.No.140 of 2024

K.Jayasree

...Petitioner

vs.

K.Ajit Kumar

...Respondent

PRAYER: Original Petition filed for Probate under Section 222 and 276 of the Indian Succession Act read with Order XXV Rule 4 of the O.S.Rules, prays this Hon'ble Court that she may be allowed 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 her.

For Petitioner : M/s.K.S.Begum

For Respondent : No appearance

**ORDER**

This Original Petition has been filed for issuance of Probate for the Last Will and testament dated 11.08.2009 executed by Late.V.Aravindakshan, who died on 28.09.2016.

2. The petitioner and the respondent are the children of the testator. The petitioner has been appointed as an executor and the sole beneficiary under the Will on the condition that she pays a sum of Rs.15,00,000/- to the respondent. The same was paid under stamp receipt. The respondent has also given a consent affidavit expressing the consent for grant of probate.

3. The petitioner has examined herself as PW1. He has produced the death certificate of Late.V.Aravindakshan as ExP2. The original registered will and testament dated 11.08.2009 as Ex.P1. The legal heirship certificate of the testator as Ex.P3. On perusal of Ex.P3, it shows that the petitioner and respondent are the children of the testator and only surviving legal heirs of the testator.



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4. Mr.M.S.Balakrishnan and Mr.P.S.A.Sekar, who were the attesting witnesses to the said Will has been examined as PW2 and PW3 respectively.

The attesting witnesses had spoken about the execution of the Will by the testator and its attestation by them and marked their affidavit as Ex.P6 and Ex.P8 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.

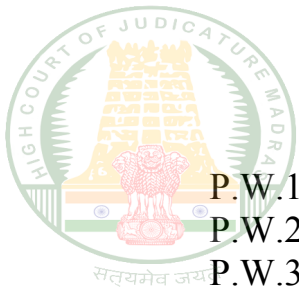
6. In view of the said evidence, the execution of Will stands proved. Hence, the Original Petition is allowed granting probate for the last Will and testament dated 11.08.2009.

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Index :Yes/No

Petitioner's witness:

3/5



P.W.1 - Mrs.K.Jayasree
P.W.2 – Mr.M.S.Balakrishnan
P.W.3 – Mr.P.S.A.Sekar

Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Original Will dated 11.08.2009 executed by Mr.V.Aravindakshan.
Ex.P2	Original death certificate of Mr.V.Aravindakshan.
Ex.P3	Photocopy of the legal heir ship certificate of Mr.V.Aravindakshan (Compared with the original)
Ex.P4	Affidavit of assets showing the net value of the estate as Rs.1,22,75,000/-
Ex.P5	Photocopy of my Aadhaar Card (Compared with the original)
Ex.P6	My affidavit as attesting witness.
Ex.P7	Photocopy of my Aadhaar Card (Compared with the original)
Ex.P8	My affidavit as attesting witness.
Ex.P9	Photocopy of my Aadhaar Card (Compared with the original)

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