



O.P. No. 118 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated: 21.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE K. KUMARESH BABU

O.P. No. 118 of 2025

Ravi Kakkar

... Petitioner

Vs.

1.Renu Chawla
2.Neena Kumra
3.Neetu Sachdev

... Respondents

PRAYER: Original Petition is filed under Sections 222 & 276 of the Indian Succession Act r/w.Order XXV Rule 4 of O.S.Rules to allow the petitioner to prove the Will in common form and that probate thereof to have effect limited to the State of Tamil Nadu.

For Petitioner : Mr. D. Nellaiappan

For Respondents : Mr. R.L. Rajkumar

ORDER

This Original Petition has been filed for issuance of Probate for the Last Will and testament dated 08.04.2019 executed by Mr.Harbhagwan Dass Kakkar, who died on 13.03.2024. The petitioner has been appointed as executor under the Will.

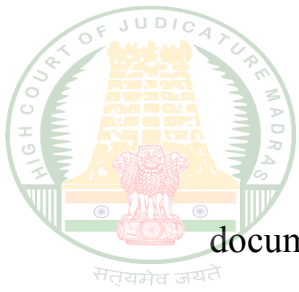


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2. The petitioner submits that the testator had gotten married to one Mrs.Asha Kakkar and the couple had begotten the petitioner along with the respondents 1 to 3 as their children. The petitioner submits that his mother, the wife of the testator Mrs. Asha Kakkar had predeceased the testator on 03.07.2021 and the parents of the testator had also predeceased him thereby leaving the petitioner and the respondents 1 to 3 as the only legal heirs of the testator.

3. The petitioner further submits that the testator before his death had executed a Will on 08.04.2019 in which he had granted the life interest of both the movable and immovable properties mentioned in the Will in favour of his wife, Mrs. Asha Kakkar and after her lifetime the same prooperties absolutely devolves upon his son, the petitioner herein. The testator had also explicitly stated in his Will that after the death of his wife late Mrs.Asha Kaakar, the petitioner shall gift a sum of Rs.5,00,000/- to each of the respondents 1 to 3, who are the daughters of the testator herein. The petitioner contends that his mother Late.Mrs.Asha Kakkar predeceased the testator leaving behind him as the sole and absolute beneficiary of the Will.

4. The petitioner has been examined as PW1. He has produced 9



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documents to support his deposition which are listed as Ex.P1 to Ex.P9 at the foot of the order. He has produced the Original Will dated 08.04.2019 as the Ex.P2. The online copy of the death certificates of the testator and his wife has been marked as Ex.P4 and Ex.P3 respectively. The online copy of the legal heir certificate of the testator has been marked as Ex.P5. The perusal of the Ex.P2 clearly substantiates the claims made in the petition that the petitioner is the absolute beneficiary named in the Will and he is also appointed as one of the executors of the Will.

5. The respondents 1 to 3 have given their consent to grant the probate of the Will dated 08.04.2019 in favour of the petitioner. The consent affidavits of the respondents 1 to 3 has been marked as Ex.P7 to Ex.P9 respectively. In the consent affidavits it has been clearly stated that the respondents are aware of the contents of the Will according to which the petitioner should pay a gift of Rs.5,00,000/- to each of the respondents and the respondents 1 to 3 are consenting to probate of the Will.

6. Mr.Sudarshan and Mr. Mila R.Parekh who are the first and second attesting witnesses to the Will have been examined as PW2 and PW3. They have spoken about the execution of the Will by the testator and its



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attestation by them and they have also identified the signature of the testator

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7. 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.

8. 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 08.04.2019.

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Index :Yes/No

Neutral Citations: Yes/ No

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List of witnesses examined on the side of the petitioner:

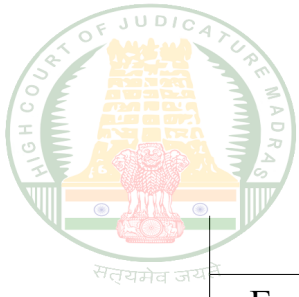
PW1- Mr. Ravi Kakkar

PW2-Mr. Sudarshan

PW3-Mr. Milan R. Parekh

List of documents marked on the side of the petitioner:

Ex.P1	Photocopy of the sale deed in favour of Harbhagwan Dass Kakkar dated 15.10.1984.
Ex.P2	Original Will executed by Harbhagawan Dass Kakkar dated



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	08.04.2019
Ex.P3	Online copy of death certificate of Asha Kakkar dated 27.07.2021.
Ex.P4	Online copy of death certificate of H.D.Kakkar dated 27.03.2024.
Ex.P5	Online copy of legal heir certificate of H.D.Kakkar dated 18.06.2024.
Ex.P6	Photocopy of Aadhar card of the petitioner Ravi Kakkar.
Ex.P7	Consent affidavit of Mrs.Renu Chawla.
Ex.P8	Consent affidavit of Mrs.Neena Kumra.
Ex.P9	Consent affidavit of Mrs.Neetu Sachdev.

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