



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **07.04.2025**

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

O.P.No.701 of 2024

Mrs.M.Kalaiarasi

...Petitioner

VS.

1.Mr.M.Balachandar
2.Mr.M.Saravanan
3.Mr.Venkat T.Devalupalli
4.Master.Tanish Vinayak Devalupalli
Minor represented by
Father and Natural Guardian
Mr.Venkat T.Devalupalli,
H/o.Kirithikaa,
21730, Picadilly Circle,
Novi, Michigan,
U.S.A. - 48375

...Respondents

PRAYER: Original Petition filed under Section 222 & 276 of the Indian Succession Act XXXIX of 1925 read with Order XXV Rule 4 of the Madras High Court Original Side Rules, 1956, prays 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 : Mr.V.Srikanth
For Respondents : Ms.P.Varshini



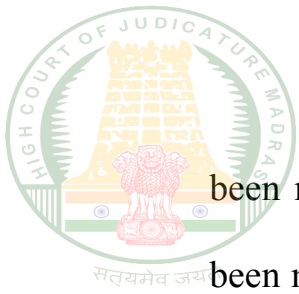
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ORDER

This Original Petition has been filed for issuance of Probate for the Last Will and testament dated 12.07.2013 executed by Late.Mr.K.Murugesan, who died on 13.04.2014. The petitioner has been appointed as executor under the Will.

2. The petitioner is the wife of the testator. The first and second respondents are the sons of the testator whereas the third and fourth respondents are the legal heirs of Late.Mrs.Kirthikaa Murugesan who is the deceased daughter of the testator. The petitioner along with the first and second respondents are the beneficiaries named in the said Will of the testator. The counsel have appeared on behalf of the respondents 1 to 4 had consented to grant the probate in favour of the petitioner.

3. The petitioner has been examined as PW1. She has produced certified copy of the original will dated 12.07.2013, executed by the testator has been marked as Ex.P1. The death certificates of the testator Late.Mr.K.Murugesan and her daughter Late.Mrs.Kirthikaa Murugesan have



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been marked as Ex.P2 and Ex.P5. The Legal heir certificate of testator has been marked as Ex.P3. From the Ex.P1 it is clear that the petitioner is one of the beneficiary and also have been appointed as the executor under the said Will.

4. Mr.Parivallal, 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 the second attesting witness.

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 of the last Will and testament dated 12.07.2013.

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Index :Yes/No



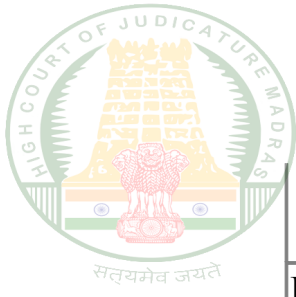
Petitioner's witness:

P.W.1 – Mrs.M.Kalaiaarasi

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Documents exhibited by the petitioners:

Exhibits	Documents
Ex.P1	Original Last Will and Testament of K.Murugesan dated 12.07.2013.
Ex.P2	Photocopy of the Death Certificate of K.Murugesan dated 13.04.2014.
Ex.P3	Photocopy of the Legal Heir certificate of K.Murugesan dated 21.05.2014.
Ex.P4	Photocopy of the Live Birth Certificate of Minor Tanish Vinayak Devalupalli dated 09.07.2014.
Ex.P5	Photocopy of the Death certificate of Kirthikaa Murugesan dated 31.08.2023.
Ex.P6	Photocopy of the Sale deed Doc.No.2579/2002 SRO, T.Nagar, Chennai dated 04.12.2002.
Ex.P7	Photocopy of the Sale Deed Doc.No.1191/2006 SRO, Karanthanthankudi, Thanjavur dated 14.06.2006. (Original produced compared verified and returned)
Ex.P8	Photocopy of the Sale Deed Doc.No.1712/2006 SRO, Karanthanthankudi, Thanjavur dated 25.08.2006. (Original produced compared verified and returned)
Ex.P9	Photocopy of the Sale Deed Doc.No.2654/2010 SRO, Maharnombuchavadi, Thanjavur dated 18.10.2010. (Original produced compared verified and returned)
Ex.P10	Photocopy of the Sale Deed Doc.No.2653/2010 SRO, Maharnombuchavadi, Thanjavur dated 18.10.2010. (Original produced compared verified and returned)
Ex.P11	Photocopy of the Sale Deed Doc.No.2656/2010 SRO, Maharnombuchavadi, Thanjavur dated 18.10.2010. (Original produced compared verified and returned)
Ex.P12	Photocopy of the Sale Deed Doc.No.2655/2010 SRO,



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	Maharnombuchavadi, Thanjavur dated 18.10.2010. (Original produced compared verified and returned)
Ex.P13	Photocopy of the Equity Shares in M/s.Larsen & Toubro Limited vide certificate No.3033157 with share Nos.110589075 to 110589114 (Nos.40) shares (Original produced compared verified and returned)
Ex.P14	Photocopy of the Equity Shares in M/s.Larsen & Toubro Limited vide certificate No.4321434 with share Nos.145314559 to 145314578 (Nos.20) shares (Original produced compared verified and returned)
Ex.P15	Photocopy of the Equity Shares in M/s.Larsen & Toubro Limited vide certificate No.6430626 with share Nos.211107170 to 211107199 (Nos.30) shares dated 05.08.1993 (Original produced compared verified and returned)
Ex.P16	Photocopy of the Equity Shares in M/s.Larsen & Toubro Limited vide certificate No.6430627 with share Nos.211107200 to 211107209 (Nos.10) shares dated 05.08.1993 (Original produced compared verified and returned)

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