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O.P.No.746 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **01.07.2025**

CORAM

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

O.P.No.746 of 2024

M.Arvind Subramaniam

...Petitioner

VS.

1.Mrs.Girija Subramaniam
2.Mrs.Lakshmi Raja Gopalan
(Formerly known as Lakshmi Rajagopalan)
3.Ms.Anita M Subramaniam

...Respondents

PRAYER: Original Petition filed under Section 222 and 276 of the Indian Succession Act, 1925, read with order XXV, Rule 4 of O.S.Rules to allow the petitioner to prove the Will dated 15.04.2021 of the deceased Mr.M.Subramaniam, in a common form and to grant Probate thereof to have effect throughout Tamil Nadu,

For Petitioner : Mr.Harshit S.Jain
For M/s.Rank Associates

For Respondents : Ms.C.K.Lavanyavathi

ORDER

This Original Petition has been filed for issuance of Probate for the Last Will and testament dated 15.04.2021 executed by Late R.Subramanian,

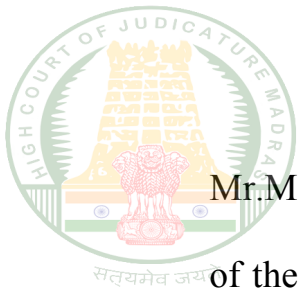


who died on 17.02.2023. The petitioner and the 1st respondent has been appointed as executor under the Will.

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2. The petitioner submits that the testator had got married to the 1st respondent and had begotten the petitioner, 2nd and 3rd respondents as his only children. The testator before his death had executed a Will dated 15.04.2021 in which he had bequeathed both movable and immovable properties. The testator had named the petitioner and the 1st respondent as the beneficiaries to the immovable property and had named the petitioner, 1st and 3rd respondents as the beneficiaries to the movable properties as described in the Will. The testator had explicitly stated that in the event of the immovable property being developed the beneficiaries are entitled to pay Rs.1,00,00,000/- each to his daughters, herein the 2nd and 3rd respondents to the petition. The petitioner and the respondents 1 to 3 are the legal heirs of the testator.

3. The petitioner has been examined as PW1, he has produced 10 documents which are listed as Ex.P1 to Ex.P10 at the foot of the order. He had produced the Original Will dated 15.04.2021 executed by the testator as Ex.P1. The photocopy of the death certificate of the testator

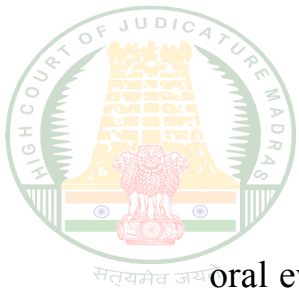


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Mr.M.Subramaniam has been marked as Ex.P2. The legal heirship certificate of the testator has been marked as Ex.P3. A perusal of Ex.P1 proves that the petitioner and the 1st respondent were appointed as the executors of the will and it also substantiates that the claims made in the petition. From Ex.P3 it is clear that the petitioner and the respondents 1 to 3 are the only legal heirs of the testator.

4. Mrs.Meena Venkatesan, who was the one of the 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 her along with the other attesting witness Mr.Sathasivam. She had also identified the signature of the testator and the other attesting witness Mr.Sathasivam found in Ex.P1.

5. The respondents 1 to 3 have expressed their consent to grant the probate of the Will dated 15.04.2021 in favour of the petitioner and their respective consent affidavits are filed along with the petition. The learned counsel for the respondents 1 to 3 have appeared on behalf of them and asserted the consent of the respondents to grant the probate and reiterated their respective consent affidavits.



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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 15.04.2021.

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Index :Yes/No

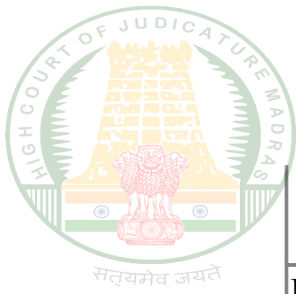
Petitioner's witness:

P.W.1 – Mr.M.Arvind Subramaniam

P.W.2 – Mrs.Meena Venkatesan

Documents exhibited by the petitioners:

Exhibits	Documents
Ex.P1	Original WILL of Mr.M.Subramaniam dated 15.04.2021.
Ex.P2	Photocopy of the Death Certificate of Mr.M.Subramaniam dated 17.02.2023.
Ex.P3	Photocopy of the Legal Heirship certificate of Mr.M.Subramaniam dated 13.04.2023.
Ex.P4	Photocopy of the sale deed dated 05.02.1973 (Doc.No.1703/1973)
Ex.P5	Photocopy of the Registration Certificate of Ford Escort Car bearing No.TN09M1776.
Ex.P6	Photocopy of the Licence issued under Section 5(1) of the



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	Tamil Nadu Motor Vehicles Taxation Act, 1974, for ford Escort Car bearing No.TN09M1776.
Ex.P7	Photocopy of the Registration Certificate of Ford Aspire Card bearing No.TN04AT1776.
Ex.P8	Photocopy of the Insurance Policy for the Ford Aspire Car bearing No.TN04AT1776.
Ex.P9	Photocopy of the Certificate of Registration of Austin Car bearing No.MSP 6771.
Ex.P10	Photocopy of the Licence issued under Section 5(1) of the Tamil Nadu Motor Vehicles Taxation Act, 1974, for Austin Car bearing No.MSP 6771.

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