



WEB COPY

O.P.No.28 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **17.02.2025**

CORAM

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

O.P.No.28 of 2024

M.S.Selvaraj

...Petitioner

VS.

1.M.S.Jayanthi
2.M.S.Karthikeyan
3.B.Jayashree
4.B.Deepak Thiagarajan

...Respondents

PRAYER: Original Petition filed for Probate under Sections 222 & 276 of the Succession Act, 1925 and Order XXV Rule 4 of O.S.Rules, prays that this Hon'ble Court may permit the petitioner to prove the Will dated 23.06.2004 executed by Thiru.M.R.Sambandan, in common form and that probate thereof to have effect limited to the State of Tamil Nadu may be granted to the petitioner and thus, render justice.

For Petitioner : Ms.S.Surekha

For Respondents : No appearance



ORDER

WEB COPY This Original Petition has been filed for issuance of Probate for the Last Will and testament dated 23.06.2004 executed by Late.M.R.Sambandan, who died on 11.10.2010. The petitioner has been appointed as executor under the Will.

2. The petitioner and the first respondent are the children of the testator and the respondents 2 to 4 are the grandchildren of the testator. The petitioner and the first respondent have life interest under the Will and the respondents 2 to 4 are the beneficiaries named in the said Will of the testator. The respondents have also filed their consent affidavits expressing their consent for the grant of probate.

3. The petitioner has been examined as PW1. He has produced the death certificate of Late.M.R.Sambandan as Ex.P3. The Legal heir certificate of testator as Ex.P4. The original will dated 23.06.2004 as Ex.P1.



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4. Mr.B.Selvanayagam, who was the second 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 marked his affidavit as Ex.P6.

5. 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 23.06.2004.

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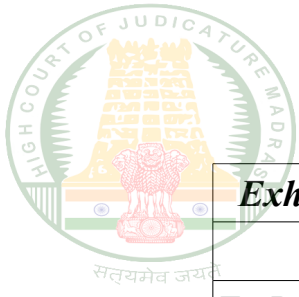
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Index :Yes/No

Petitioner's witness:

P.W.1 - Mr.M.Selvaraj
P.W.2 – Mr.B.Selvanayagam

Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Original Will dated 23.06.2004 executed by Mr.M.R.Sambandan.
Ex.P2	Photocopy of the sale deed dated 27.09.1985 executed in favour of Mr.M.R.Sambandan (Compared with the original)
Ex.P3	Original death certificate of Mr.M.R.Sambandan.
Ex.P4	Original Legal heir ship certificate of Mr.M.R.Sambandan.
Ex.P5	Affidavit of assets showing the net value of the estate as



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<i>Exhibits</i>	<i>Documents</i>
	Rs.1,39,41,360/-
Ex.P6	My affidavit
Ex.P7	Photocopy of my Aadhaar Card (Compared with the original)

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K.KUMARESH BABU, J.

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