



WEB COPY

O.P.No.549 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **07.04.2025**

CORAM

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

O.P.No.549 of 2024

Sri.P.Siva Sankaran

...Petitioner

vs.

1.Smt.P.Velammal

2.Sri.P.Kunjaran

3.Smt.G.Viji

4.Smt.V.Suba

...Respondents

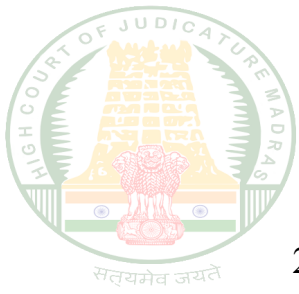
PRAYER: Original Petition filed under Section 222 and 276 of the Indian Succession Act and Order XXV Rule 4 of O.S.Rules, praying that he may be allowed to prove the Will in common form and that probate thereof to have effect throughout the State of Tamilnadu may be granted to him.

For Petitioner : Mr.S.Vennimalai

For Respondents : No appearance

ORDER

This Original Petition has been filed for issuance of Probate for the Last Will and testament dated 20.06.2001 executed by Late.Mr.S.P.Perumal, who died on 18.02.2015. The petitioner has been appointed as executor under the Will.



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2. The petitioner and the respondents are the legal heirs of the testator. The first respondent who is the wife of the testator has life interest under the Will. The petitioner and second respondent are the beneficiaries named in the said Will of the testator and the 3rd and 4th respondents are the daughters of the testator. The service of notices have been completed upon the respondents. The respondents 1 to 4 have given their consent to the grant of probate and their consent affidavits were filed along with the petition.

3. The petitioner has been examined as PW1. He has produced the original will dated 20.06.2001 as Ex.P1. The death certificate of the testator has been marked as Ex.P2. The Legal heir certificate of testator is marked as Ex.P3. From Ex.P3 its clear that the petitioner and the respondents are the only legal heirs of the testator. The perusal of Ex.P1 ascertains that the petitioner is one of the beneficiary, who is also named as the executor under the said Will dated 20.06.2001.

4. Mr.S.V.Srinivasamurthy, who was the first attesting witness to the said Will has been chief 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.

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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 20.06.2001.

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Index :Yes/No

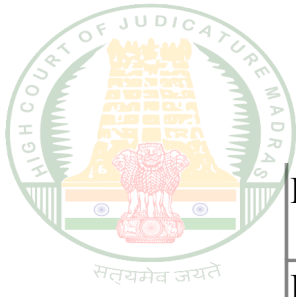
Petitioner's witness:

P.W.1 – Mr.P.Siva Sankaran

P.W.2 – Mr.S.V.Srinivasamurthy

Documents exhibited by the petitioners:

Exhibits	Documents
Ex.P1	Original Will of Late S.P.Perumal dated 20.06.2001.
Ex.P2	Online printout of the death certificate of Late S.P.Perumal dated 14.05.2015.
Ex.P3	Legal Heirship Certificate of Late S.P.Perumal dated 29.05.2015.



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Ex.P4	Photocopy of the Sale Deed in respect of the schedule A property dated 13.12.1978 (Compared with original)
Ex.P5	Photocopy of the Partition Deed in respect of the schedule B property dated 11.06.1969. (Compared with original)

R1 TO R4 side “NO CROSS” reported.

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