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O.P.No.37 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **06.08.2025**

CORAM

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

O.P.No.37 of 2025

S.K.Indu

...Petitioner

vs.

1.L.Sudha

2.R.Prema

3.R.Divya

4.R.Sudhir

...Respondents

PRAYER: Original Petition filed under Section 222 and 276 of the Indian Succession Act, XXXIX of 1925 read with Order XXV, Rule 4 of the Madras High Court Original Side Rules, 1956 praying to prove the Will in common form and that Probate thereof to have effect limited to the State of Tamil Nadu.

For Petitioner : Ms.Y.Sinduja

For Respondents : Ms.P.Swathi Kumar



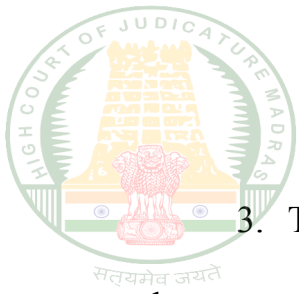
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ORDER

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This Original Petition has been filed for issuance of Probate for the Last Will and testament dated 21.02.2020 executed by Mrs.Kala Prasad, who died on 11.04.2020. The petitioner has been appointed as executor under the Will.

2. The petitioner submits that testatrix was married one Mr.K.Prasad, who predeceased her on 30.12.2014 and the couple did not have any children out of their wedlock. The petitioner further submits that she is the sister of the testatrix. The 1st respondent is the sister-in-law of the testatrix through Late.Mr.S.K.Prabhakar Rao @ Mr.Prabhakar Krishna Rao, the deceased brother of the testatrix and the respondents 2 to 4 are the legal heirs of Late.Mr.K.Ramachandra Rao, who is the other brother of the testatrix. The petitioner contends that before her death the testatrix had executed a Will through which she had bequeathed the immovable property owned by her in favor of the petitioner and her brother Late.Mr.S.K.Prabhakar Rao. The aforesaid Late Mr.S.K.Prabakar Rao, who is one of the beneficiary to the Will had died on 20.05.2021, therefore as his legal heir the 1st respondent is entitled to his share in the immovable property. Hence the petitioner and the 1st respondent are the only beneficiaries named in the will.



3. The petitioner has been examined as PW1. She has produced 15 documents to support her deposition which are listed as Ex.P1 to Ex.P15 at the foot of the order. The original Will and Testament executed by Late.Mrs.Kala which is marked as Ex.P1. The generated death certificate of the testatrix has been marked as Ex.P2. The photocopy of the death certificate of Late.K.Prasad the husband of the testatrix has been marked as Ex.P9. The computer generated death certificates of Late.Mr.K.Ramachandra Rao, Late.Mr.Krishna Srinivasa Rao and Late.Mr.Prabhakar Krishna Rao, who are the deceased brothers of the testatrix has been marked as Ex.P10, Ex.P11 and Ex.P12 respectively. Upon the detailed examination of Ex.P1 it can be substantiated that the petitioner has been appointed as the executor of the Will and she along with her brother Late.Mr.S.K.Prabhakar Rao are the only beneficiaries named in the Will.

4. The petitioner has examined Mr.C.Parthasarathy who is the 1st attesting witness to the Will as PW2. He has spoken about the execution of the Will by the testatrix and its attestation by him along with the other attesting witness Mr.V.S.Srinivasan and he has marked his affidavit as Ex.P16. The photocopy of the aadhar card of PW2 has been marked as Ex.P17.



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5. The respondents 1 to 4 have expressed their consent to grant the probate of the Will dated 21.02.2020 in favour of the petitioner and their respective consent affidavits have been filed. The learned counsels for the respondents have appeared on behalf of them have reiterated their respective consent affidavits.

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 21.02.2020.

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Index :Yes/No



Petitioner's witness:

P.W.1 – Mrs.S.K.Indu

P.W.2 – Mr.C.Parthasarathy

Documents exhibited by the petitioners:

Exhibits	Documents
Ex.P1	Original Will and Testament executed by Late Kala Prasad in favour of PW1 and the 1 st respondent dated 21.02.2020.
Ex.P2	Computer generated copy of the death certificate of P.Kala who died on 11.04.2020.
Ex.P3	Photocopy of the sale deed dated 07.04.2006. (Original is produced, compared and returned to the petitioner's counsel.)
Ex.P4	Photocopy of the rectification deed dated 12.04.2006.
Ex.P5	Computer generated copy of the property tax receipt dated 08.04.2024.
Ex.P6	Photocopy of the EB card and EB receipt in the name of Kala Prasad.
Ex.P7	Photocopy of the Aadhaar Card of P.Kala. (Original is produced, compared and returned to the petitioner's counsel).
Ex.P8	Photocopy of the PAN card of P.Kala. (Original is produced, compared and returned to the petitioner's counsel).
Ex.P9	Computer generated copy of the death certificate of K.Prasad who died on 30.12.2014.
Ex.P10	Computer generated copy of the death certificate of K.Ramachandra Rao who died on 02.08.2024.
Ex.P11	Computer generated copy of the death certificate of Seshagiri Krishna Srinivasa Rao who died on 29.12.2020.
Ex.P12	Photocopy of the death certificate of Prabhakar Krishna Rao who died on 20.05.2021.
Ex.P13	Photocopy of the Aadhaar Card of S.K.Indu, the petitioner. (Original is produced, compared and returned to the petitioner's counsel).



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Ex.P14	Photocopy of the PAN Card of S.K.Indu, the petitioner. (Original is produced, compared and returned to the petitioner's counsel).
Ex.P15	Affidavit of assets showing the net value of the estate Rs.39,50,000/-
Ex.P16	Affidavit of PW2
Ex.P17	Photocopy of the Aadhaar Card of the first attesting witness. (Original is produced, compared and returned to the petitioner's counsel).

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