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O.P.No.747 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **23.06.2025**

CORAM

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

O.P.No.747 of 2024

Mr.Prakash Chand Ostwal

...Petitioner

VS.

- 1.Mrs.Vimala Ostwal
- 2.Mr.Sudhir Ostwal
- 3.Mrs.Rekha Bhandari
- 4.Mrs.Sheela Devi Ostwal
- 5.Mr.Rajesh Ostwal
- 6.Mrs.D Ritu Surana
- 7.Mrs.Rakhee Sharad Singhvi
- 8.Mr.K.Kamal Ostwal @ Kamal Kishore Ostwal
- 9.Mrs.Sushila Lodha
- 10.Mrs.Premalatha.L
- 11.Mr.Virendra Kumar Ostwal
- 12.Mr.Piyush Ostwal

...Respondents

PRAYER: Original Petition filed for Grant of Probate of Will under Section 222 & 276 of the Indian Succession Act under Order XXV Rule 4 of Original Side Rules, prays that the petitioner may be allowed to prove the Will of Kishanlal Ostwal (deceased) dated 10.01.2001 in common form and that probate thereof, to have effect limited to the State of Tamil Nadu may be granted to the petitioner.



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For Petitioner : Mr.S.Ramesh Kumar

For Respondents : Mr.I.MD.Arif

ORDER

This Original Petition has been filed for issuance of Probate for the Last Will and testament dated 10.01.2001 executed by Late.Mr.Kishanlal Ostwal who died on 16.05.2001. The petitioner who is the son of the testator has been appointed as executor under the Will.

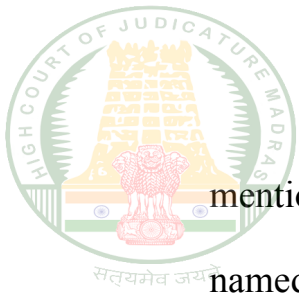
2. The petitioner submits that the testator Late.Mr.Kishanlal Ostwal got married to one Mrs.Madi Kanwar Ostwal who predeceased the testator on 10.06.1999, the couple had begotten 5 sons and 2 daughters out of their wedlock. The petitioner and the 8th respondent are the sons and the 9th and 10th respondents are the daughters of the testator, who are at present the only surviving legal heirs of the testator. The respective legal heirs of the predeceased sons have been included as the respondents to this petition. Respondents 1 to 3 are the legal heirs of Late.Mr.K.Anandraj Ostwal who died on 12.10.2006. Respondents 4 to 7 are the legal heirs of Late.Mr.K.Sohanlal Ostwal who died on 23.05.2006 and another son



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Late.Mr.Goutham Chand Ostwal died as bachelor on 07.02.2023 without any immediate legal heirs. The testator had executed the Will on 10.01.2001 where he named the petitioner as the executor and he had given life interest of an immovable property in favour Late.Mr.Goutham Chand Ostwal after whose death the property devolves upon three of his grandsons, who are the 5th, 11th and 12th respondents to this petition.

3. The petitioner has been examined as PW1, he has produced 12 documents which are marked as Ex.P1 to Ex.P12, listed below in the foot of the order. The original Will dated 10.01.2001 executed by the testator had marked as Ex.P11. The death certificates of the testator and his wife Late.Mrs.Madi Kanwar Ostwal are marked as Ex.P1 and Ex.P2 respectively. The Legal Heirship certificate of the testator is marked as Ex.P3. The death certificates of the deceased sons of the testator, Late.Mr.K.Anandraj Ostwal is marked as Ex.P4; Late.Mr.K.Sohanlal Ostwal is marked as Ex.P6; Late.Mr.Goutham Chand Ostwal is marked as Ex.P7. From the perusal of Ex.P11 it can be easily deduced that the petitioner is appointed as the executor and also is named as the beneficiary of the movable property

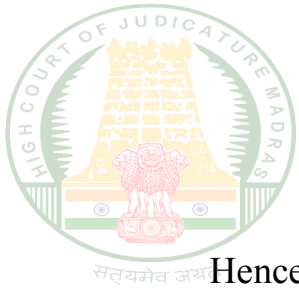


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mentioned in the Ex.P11, whereas the 5th, 11th and 12th respondents are named as the beneficiaries to the immovable property. The service of notices had been completed upon the respondents and the learned counsel for the respondents 1 to 12 representing on behalf of them has expressed the consent to grant the Probate of the Will in favour of the petitioner.

4. Mr.K.Kamal Ostwal who is the first attesting witness to Ex.P11 and also the 8th respondent to this petition has been examined as PW2. He has spoken about the execution of the will and testament dated 10.01.2001 by the testator and he has also spoken about his attestation along with the second attesting witness Mr.Lalith Kumar Kataria and also identified his signature in the Ex.P11.

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 10.01.2001.

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Index :Yes/No

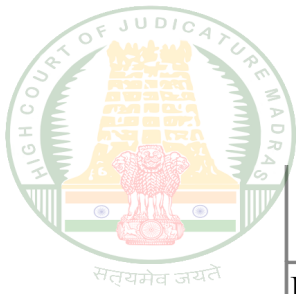
Petitioner's witness:

P.W.1 – Mr.Prakash Chand Ostwal

P.W.2 – Mr.K.Kamal Ostwal

Documents exhibited by the petitioners:

Exhibits	Documents
Ex.P1	Online copy of the Death Certificate of Kishanlal Ostwal (Date of Death 16.05.2001) dated 08.10.2024.
Ex.P2	Online copy of the Legal Heirship Certificate of Kishanlal Ostwal dated 12.09.2023.
Ex.P3	Online copy of the Death Certificate of Madi Kanwar Ostwal (Date of Death 10.06.1999) dated 08.10.2024.
Ex.P4	Online copy of the Death Certificate of K.Anandraj Ostwal (Date of Death 12.10.2006) dated 08.10.2024.
Ex.P5	Photocopy of the Death Certificate of K.Sohanlal Ostwal (Date of Death 23.05.2006) dated 19.09.2006. (Original produced, compared and returned)
Ex.P6	Photocopy of the Legal Heir Certificate of K.Sohanlal



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	Ostwal dated 31.05.2007. (Original produced, compared and returned.)
Ex.P7	Online copy of the Death Certificate of Goutham Chand Ostwal (Date of Death 07.02.2023) dated 12.04.2023.
Ex.P8	Photocopy of the Sale Deed in the name of Kishanlal Ostwal Doc.No.749/1998 dated 31.07.1998 (Original produced, compared and returned)
Ex.P9	Online copy of the Chennai Metropolitan Water Supply & Sewerage Board, Water Tax & Charges e- Receipt of the schedule mention property in the name of Kishanlal Ostwal dated 13.02.2024.
Ex.P10	Photocopy of the Disability Certificate of Goutham Chand Ostwal dated 31.01.2017 (Original produced, compared and returned)
Ex.P11	Original Unregistered Will of Kishanlal Ostwal dated 10.01.2001.
Ex.P12	Photocopy of the Aadhaar card of Prakash Chand Ostwal. (Original produced, compared and returned)

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