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O.P.No.80 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 09.12.2025

CORAM:

THE HON'BLE Mr.JUSTICE **P.DHANABAL**

O.P.No.80 of 2024

R.Mohan Ram alias Mohan Ram Rajaram

... Petitioner

Vs.

1. K.R.Venkateswaran
2. Sreedharan Mohan Ram
3. M.Renukadevi
4. Revathi
5. Mithran
6. Balaji
7. Deepa
8. Rekha
9. Reena

... Respondents

Prayer: Original Petition is filed under Sections 222 and 276 of Part IX of the Indian Succession Act 1925 r/w Order XXV Rule 4 of Madras High Court Original Side Rules of 1956 for issuing Probate.

For Petitioners : Mr. Karthikeyan Sekar

This petition has been filed under Sections 222 and 276 of Part IX of the Indian Succession Act read with Order XXV Rule 4 of Madras High Court Original Side Rules seeking to grant Probate of the Will dated 15.12.1999 in common form and probate thereof to have effect limited to the State of Tamil Nadu.



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2. According to the petitioner, he is the son of Late P.K.Rajaraman, who died on 23.12.2002. The said P.K.Rajaraman had two sons and two daughters. The petitioner and the 1st respondent are the sons and the daughters, namely Rajeswari, who died on 04.08.2018 and one Maheswari, who died on 12.06.2021. The 4th and 5th respondents are the legal heirs of said Mrs.Maheswari and the respondents 6 to 9 are the legal heirs of said Mrs.Rajeswari. The respondents 2 and 3 are the son and daughter of the petitioner respectively. The testator was the absolute owner of the properties described in petition. The said properties were purchased by the testator during his lifetime. Though the petitioner was the executor appointed under the Will dated 15.12.1999 the Will was not immediately available to him. Thereafter, the testator died on 23.12.2002 leaving behind the petitioner and the respondents as the legal heirs. The market value of the schedule mentioned properties would not exceed Rs.1,00,00,000/-.

3. The testator had appointed the petitioner as the executor of the Will and he is the beneficiary of the said Will. Except the petitioner and the respondents, there are no other next of kin to the testator to be impleaded. Though paper publication has been effected there is no appearance on behalf of the respondents.



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4. The petitioner had undertaken to duly administer the specified property and credits of the deceased in any way concerned his Will by paying the debts first and then the legacies therein bequeathed so far as the assets will extend and to make full and true inventory thereof and exhibits the same in this Court within the six months from the date of the grant of probate to the petitioner and also to render to this Court a true account of the said property within one year from the said date.

5. In order to prove the claim of the petitioner, PW1 and PW2 were examined on the side of the petitioners and Ex.P.1 to Ex.P.5 were marked. One Veerasamy, has been examined as PW2.

6. PW1, the petitioner herein, in his evidence had narrated the averments made in the petition stating that he has filed this petition for grant of Probate of the Last Will and Testament executed by the deceased Late P.K.Rajaraman on 15.12.1999. The said Will and testament has been marked as 'Ex.P.1'. According to the petitioner, the attesting witness, namely, Mr.T.Elangovan had settled abroad and the whereabouts of the another attesting witness, K.R.Badri are not known to the petitioner, therefore, the petitioner had filed an Application No.4340 of 2025 to examine Mr.Veerasamy as witness and this Court vide order dated 15.10.2025, considering the submission of the



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petitioner and the facts and circumstances, permitted the petitioner to examine Mr.Veerasamy as one of the witnesses. Accordingly, the said Veerasamy, who is residing in the same locality opposite to the house of the petitioner for the past 40 years was examined as P.W.2 and he identified the signature of the testator found in the Will and the signature of the 1st attesting witness, Mr.Elangovan, as the said Veerasamy was the tenant under the said Elangovan. Since the attesting witnesses are not available, the person who has acquaintance with the handwritings and signatures of one of the attestors and the testator was examined as PW2 and he has deposed that he knows Mr. Elangovan, who is one of the attesting witnesses and he was tenant under the said Elangovan. He has categorically deposed about the attestation by one of the attestors and he has also identified the signature of the deceased in the Will and the signature of the attesting witness. Therefore, the execution of the Will and attestation are duly proved in accordance with law.

7. From the averments made in the petition and the depositions of PW1 and PW2 supported by the documents, it is clear that the petitioner has proved his claim and there is no contra evidence. Hence, this Court is satisfied that the petitioner is entitled to the relief as prayed for in the petition.



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8. In the result, the Original Petition is **allowed** and the Will

executed by Late P.K.Rajaraman dated 15.12.1999 is hereby probated.

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Index : Yes/No
Speaking Order : Yes/No
ssd

APPENDIX:

List of Petitioner side Witnesses:

PW1 : Mr. R.Mohan Ram @ Mohan Ram Rajaram
PW2 : Mr.Veerassamy

List of Petitioner side Documents:

Exhibit No.	Date	Description of Documents.
Ex.P.1	15.12.1999	Original Will dated 15.12.1999 executed by P.K.Rajaraman
Ex.P.2	-	Original Death certificate of Mr.P.K.Rajaraman.
Ex.P.3	13.12.1990	Photocopy of the sale deed dated 13.12.1990 executed in favour of P.K.Rajaraman
Ex.P.4	-	Photocopy of Aadhar Card
Ex.P.5	-	Affidavit of Assets showing the net value of the estate of Rs.99,90,000/- Sale Deed registered as Doc. No.920 of 1994, on the file of SRO, Arani.
Ex.P.6	-	Photocopy of Aadhar Card

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