



WEB COPY

O.P.No.222 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **26.08.2025**

CORAM

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

O.P.No.222 of 2025

Murugesan Srinivasan

...Petitioner

Vs.

1.Gnanadesikan Usha

2.G.Sumathi

3.S.Suraj

... Respondents

PRAYER: Original Petition filed under Sections 222 and 276 of the Indian Succession Act and under Order XXV Rule 4 of the Original Side Rules praying that the Will be proved in common form and grant Probate thereof to have effect throughout the State of Tamil Nadu.

For Petitioner : Ms.R.V.Gayatri

For Respondents : No appearance

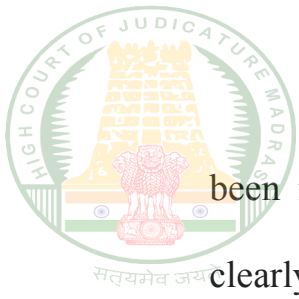
**ORDER**

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This Original Petition has been filed for issuance of Probate for the Last Will and testament dated 14.04.2020 executed by Mrs.G.Saraswathi, who died on 10.08.2020. The petitioner is the son-in-law of the testatrix, whom she had appointed as executor under the Will.

2. The respondents 1 and 2 are the daughters of the testatrix and the 3rd respondent is the grandson of the testatrix through her daughter, the 2nd respondent herein. The petitioner submits that prior to her death the testatrix had executed a Will dated 14.04.2020 and had named the 3rd respondent as the sole beneficiary of the Will. The testatrix had further appointed her son-in-law, the petitioner herein, as the executor of the aforesaid Will. The petitioner further makes a submission that the respondents 1 to 3 have given their consent to grant the probate of the Will dated 14.04.2020.

3. The petitioner has been examined as PW1. He has produced 6 documents to support his deposition, which are listed as Ex.P1 to Ex.P6 at the foot of the order. The Original Will dated 14.04.2020, which has been executed by the testatrix has been marked as Ex.P1. The computer generated copies of the death certificate and legal heir certificate of the testatrix has



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been marked as Ex.P2 and Ex.P3 respectively. The perusal of the Ex.P1 clearly substantiates the claims made in the petition that the 3rd respondent, who is the grandson of the testatrix has been named as the sole beneficiary of the Will dated 14.04.2020 to which the petitioner has been appointed as the executor.

4. Mr.M.Kailash Kumar, 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 testatrix and its attestation by him along with one Late.Mr.M.Masilamani, who is the first attesting witness to the will and the father of PW2. The attesting Witness PW2 had further marked his affidavit as Ex.P7.

5. The respondent 1 to 3 have expressed their consent to grant the Probate of the Will dated 14.04.2020, infavour of the Petitioner and their respective consent affidavits have been filed.

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.



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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 14.04.2020, having effect throughout the State of Tamil Nadu.

26.08.2025

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Index :Yes/No

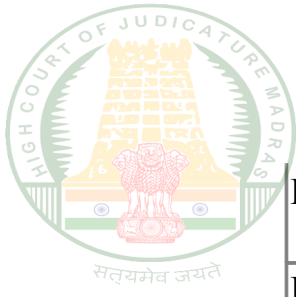
Petitioners' witness:

P.W.1 – Mr.Murugesan Srinivasan

P.W.2 – Mr.M.Kailash Kumar

Documents exhibited by the petitioner:

Exhibits	Documents
Ex.P1	Original Will dated 14.04.2020.
Ex.P2	Computer generated copy of the death certificate of G.Saraswathi who died on 10.08.2020.
Ex.P3	Computer generated copy of the legal heirs certificate of G.Saraswathi dated 13.01.2021.
Ex.P4	Computer generated copy of the death certificate of Masilamani who died on 08.07.2023.



WEB COPY

O.P.No.222 of



Ex.P5	Affidavit of assets showing the net value of estate Rs.61,49,000/-.
Ex.P6	Affidavit under Section 63 of BSA Act is filed for Exs.P2 to P4.
Ex.P7	Affidavit of the attesting witness.
Ex.P8	Photocopy of the Aadhaar Card. (Original is produced, compared and returned to the petitioner's counsel)

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26.08.2025



WEB COPY



O.P.No.222 of

K.KUMARESH BABU, J.

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O.P.No.222 of 2025

26.08.2025