



WEB COPY

O.P.No.772 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **09.07.2025**

CORAM

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

O.P.No.772 of 2024

Ajoy Philip

...Petitioner

VS.

1.Laila Eapen
2.Atul Philip
3.Sneha Susan Philip
4.Meghna Philip

...Respondents

PRAYER: Original Petition filed under Sections 222 and 276 of the Indian Succession Act, 1925 (Act XXXIX of 1925) read with Order XXV Rule 4 of Original Side Rules, 1956 praying to allow the petitioner to prove the Will in common form and that probate thereof to have effect throughout the whole of Union of India may be granted to the petitioner.

For Petitioner : Mr.George Cheriyan

For Respondents : M/s.Swetha Sridhar

ORDER

This Original Petition has been filed for issuance of Probate for the Last Will and testament dated 04.04.2012 executed by Late.Philip Eapen, who died on 07.07.2024. The petitioner and the second respondent have been



appointed as executors under the Will and the petitioner presented the petition since the testator directed the executors to act jointly or severally.

WEB COPY

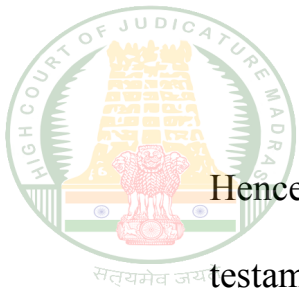
2. The petitioner and the second respondent are the sons and the first respondent is the wife of the testator. The respondents 3 and 4 are the wife and daughter of the predeceased son of the testator. The petitioner and respondents 2 and 4 are the beneficiaries under the Will. The respondents have also filed their consent affidavits expressing their consent for the grant of probate in favour of the petitioner.

3. The petitioner examined himself as PW1. He has produced the computer generated death certificate of Late.Philip Eapen as Ex.P10. The computer generated Legal heirship certificate of testator as Ex.P11. The original will and testament of the testator dated 04.04.2012 as Ex.P5. The death certificate and legal heirship certificate of the predeceased son of the testator as Ex.P4.

4. The learned counsel for the respondents stated that the respondents have no objection for the probate of the Will being granted to the petitioner.

5. Mr.Jacob Verghese, who was the first attesting witness to the said Will has been examined as PW2. The attesting witness had spoken about the execution of the Will by the testator and its attestation by him and marked his affidavit as Ex.P13.

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 04.04.2012.

WEB COPY

09.07.2025

msv

Index :Yes/No

Petitioner's witness:

P.W.1 – Mr.Ajoy Philip

P.W.2- Mr.Jacob Verghese

Documents exhibited by the petitioner:

Exhibits	Documents
Ex.P1	Photocopy of the Sale deed registered as Doc.No.1341/1979 before the SRO, Sembiam dated 04.05.1979.(Original is produced, compared and returned to the petitioner's counsel)
Ex.P2	Photocopy of the sale deed registered as Doc.No.2217/1996 before the SRO, Sriperumbudur dated 08.04.1996. (Original is produced, compared and returned to the petitioner's counsel)
Ex.P3	Photocopy of the sale deed registered as Doc.No.4385/1999 before the SRO, Ernakulam dated 25.10.1999. (Original is produced, compared and returned to the petitioner's counsel)
Ex.P4	Photocopy of the death certificate of Late.Anuj Philip died on 28.02.2012. (Original is produced, compared and returned to the petitioner's counsel)
Ex.P5	Original Will executed by the deceased Philip Eapen dated 04.04.2012
Ex.P6	Photocopy of the legal heir certificate No.R.Dis.C4/27343/2013 of deceased Late Anuj Philip



issued by the Tahsildhar, Egmore-Nungambakkam Taluk dated 05.11.2013.(Original is produced, compared and returned to the petitioner's counsel)

WEB COPY

Ex.P7	Photocopy of the savings bank senior citizens A/c.No.0005104000607766 of the deceased late Philip Eapen with IDBI Bank, Greams Road Branch, Chennai from 03.09.2018 to 28.09.2024. (Original is produced, compared and returned to the petitioner's counsel)
Ex.P8	Photocopy of the savings bank passbook of the 1 st respondent for savings bank account No.10408474453 with State Bank of India, Anna Nagar West Chennai reflecting the credit of the PPF amount of the deceased Late Philip Eapen on 01.08.2024. (Original is produced, compared and returned to the petitioner's counsel)
Ex.P9	Computer generated copy of the latest property tax receipt for the Anna Nagar property (item 1 schedule of property) dated 02.04.2024 along with 65B certificate.
Ex.P10	Computer generated copy of the death certificate of the deceased Philip Eapen died on 07.07.2024 along with 65B certificate.
Ex.P11	Computer generated copy of the legal heir certificate No.TN-7202408141862 of deceased Philip Eapen issued on 02.09.2024 along with 65B certificate.
Ex.P12	Affidavit of asses showing the net value is Rs.13,02,07,406/-.
Ex.P13	The affidavit.
Ex.P14	Photocopy of the Aadhar card of the 1 st attesting witness

09.07.2025

msv



WEB COPY

O.P.No.772 of



K.KUMARESH BABU, J.

msv

O.P.No.772 of 2024

09.07.2025