



O.P. No.14 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2025

CORAM :

THE HONOURABLE MR.JUSTICE P.DHANABAL

O.P. No.14 of 2025

K.Mohan

... Petitioner

vs.

Sri Nidhi Trust
rep. By Ranganathan Vaidyanathan having office
at Shree Lalitha Manidweepam
Plot No.123, 124, Ram Nagar,
North Extension,
2nd Street Velachery,
Chennai – 600 042

... Respondent

PRAYER: Original Petition is filed under Sections 222 and 276 of the Indian Succession Act 1925 and under Order XXV Rule 4 of Madras High Court Original Side Rules for issuing Probate.

For petitioner : Mr. A.M.Venkatakrisnan

For Respondent : --

ORDER

This petition has been filed under Sections 222 and 276 of the Indian Succession Act, 1925 read with Order XXV Rule 4 of Madras High Court

Page No.1 of 6



O.P. No.14 of 2025

Original Side Rules seeking to grant Probate of the Will dated 03.05.2024
executed by Late Lalitha Kulathumani to have effect limited to the State of
Tamil Nadu.

2. According to the petitioner, the deceased bequeathed the property mentioned in the schedule to the petitioner. The testator, viz., Lalitha Kulathumani died on 08.08.2024 and her husband pre-deceased the said Lalitha Kulathumani on 08.08.2013 without any issues. The testator was the absolute owner of the property described in the Schedule 'A'. The testator executed a Will dated 03.05.2024 bequeathing the immovable property to the petitioner. The petitioner was appointed as executor of the said Will executed by the testator Late Lalitha Kulathumani. Thereafter, the testator died on 08.08.2024. The amount of assets which are likely to come into petitioner's hand does not exceed to the aggregated the sum of Rs.25,00,000/-.

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, there are no other next of kin to the testator to be impleaded. After filing of this Original Petition, the petitioner was directed to effect paper publication and the same was also effected. No any objection was received from any party.



Thereafter, the matter was posted for examination of witnesses and the evidence was recorded. On the side of the petitioner, he was examined P.W.1 and the 1st attesting witness was examined as P.W.2 and marked exhibits Ex.P.1 to Ex.P10. The respondent/Trust has given their consent by filing affidavit that they have no objection to grant probate in favour of the petitioner.

4. The amount of assets which is likely to come to the petitioner's hand does not exceed in the aggregate sum of Rs.25,00,000/-. 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, P.W.1 and P.W.2 were examined on the side of the petitioner and Ex.P.1 to Ex.P.10 were marked. The 1st Attesting Witness of the Will has been examined as PW2.



O.P. No.14 of 2025

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 Lalitha Kulathumani on 03.05.2024. The said Will and testamant has been marked as 'Ex.P.1'. PW2, in her evidence, had stated that the testator had executed a Will dated 03.05.2024 and she was also present along with the testator at the time of execution of Will. The testator was aware of the contents of the Will and the testator was in a sound state of mind at the time of execution of Ex.P.1 Will. 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.

8. In the result, the Original Petition is **allowed** and the Will executed by Late Lalitha Kulathumani dated 03.05.2024 is hereby probated.

18.11.2025

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

Page No.4 of 6



O.P. No.14 of 2025

APPENDIX:

List of Petitioner side Witnesses:

PW1 : Mr. K.Mohan
PW2 : Mrs.S.Saraswathi

List of Petitioner side Documents:

Exhibit No.	Date	Description of Documents.
Ex.P.1	03.05.2024	Original Unregistered Will executed by Mrs.Lalitha Kulathumani
Ex.P.2	-	Computer generated death certificate of Mr.S.Kulathumani
Ex.P.3	-	Original Legal Heirship certificate of Mr.S.Kulathumani
Ex.P.4	-	Computer generated death certificate of Mrs.Lalitha
Ex.P.5	-	Photocopy of the Aadhaar Card
Ex.P.6	06.02.1981	Photocopy of the sale deed executed in favour of S.Kulathumani
Ex.P.7	30.4.2012	Photocopy of Deed of Declaration of Public Religious Trust, which was registered as Document no.253/2012 before the SRO, Thiyagaraya Nagar
Ex.P.8	-	Certificate under Section 63 of BSA
Ex.P.9	-	Affidavit of Assets showing the net value of the estate as Rs.24,80,000/-
Ex.P.10	03.08.2025 11.08.2025	Copies of the paper publication effected in one issue of English daily 'Trinity Mirror' dated 03.08.2025 and another issue of Tamil Daily 'Makkal Kural' dated 11.08.2025

18.11.2025



WEB COPY



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P.DHANABAL, J.,

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O.P. No.14 of 2025

18.11.2025