



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-11-2025

CORAM

THE HONOURABLE MR.JUSTICE P. DHANABAL

OP No. 99 of 2025

1. M.A.Baskar

S/o. M.R.Arumugam, No.113/55, New
Street, Mannady, Chennai 600 001.

Petitioner(s)

Vs

1. Balaji R and 5 others

S/o. P.Radha Krishnan, New No.16, Old
No.91, Sami Pillai Street, Choolai,
Chennai 600 112.

2.V.Bagirathi

W/o. V.Vajravelu, No.26, Muthu
Naicken Street, Perumalpet,
Purasawakkam, Chennai 600 007.

3.B.Shanbagavalli,

W/o. M.A.Baskar, No.113/55, New
Street, Mannady, Chennai 600 001.

4.S.Geetha

W/o. M.G.Saikumar, No.10/100,
Padmavathi Nagar, Nalur, Thiruvallur



District 601 203.

5.S.Shakila

W/o. Sridhar, No.AP-1180, 4th Street,
Thendral Colony, Anna Nagar West,
Chennai 600 040.

6.R.Sharmila

W/o. Ragunathan, No.J-42,
Vaithiswaran Kovil Street, Poonamalle,
Chennai 600 056.

Respondent(s)

PRAYER: The Original Petition has been filed under Sections 222 and 276 of the Indian Succession Act 39 of 1925 read with Order XXV Rule 4 of Original Side Rules praying that he may be allowed to prove the Will in common form, and that probate thereof, to have effect limited to the State of Tamil Nadu, may be granted to him. Gross Amount of Rs.2,00,00,000/- and Net Amount of Rs.2,00,00,000/- Suc.duty of Rs.25,000/- paid on 10.07.2025 by e-C/F D.No.26210/2025.

For Petitioner(s): Anban Bharathy.S.A.

For Respondent(s): No appearance.

ORDER

This petition has been filed under Section 222 and 276 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 18.07.2004 executed by

Late Mr. P. Radhakrishna Chetty to have effect limited to the State of Tamil Nadu.

2. According to the petitioner, he is the son-in-law of the Testator and executor of the Will executed by the Testator namely one Mr. P. Radhakrishnan also called as Mr. P. Radhakrishna Chetty. The last Will and Testament executed by the said deceased is dated 18.07.2004 and as per the said Will, the petitioner was nominated as an Executor to the Will. The said Mr. P. Radhakrishna Chetty died on 02.01.2005. The 1st respondent is the beneficiary and only son of the Testator and the respondents 2 to 6 are the daughters of the Testator. The Testator, during his lifetime, owned the schedule mentioned property which was bequeathed in favour of the 1st respondent after the lifetime of the mother of the 1st respondent Mrs. Santha, to whom a life interest was given by the Testator, through the above said Will. The said Mrs. Santha died on 14.09.2023. While execution of the above said Will by the deceased, Mrs. B.



Shanbagavalli and Mr.P. Govindaraj were present and the 1st attesting witness is one of the daughters of the deceased and the 2nd attesting witness passed away

long back. The amount of assets which are likely to come into the petitioner's hands does not exceed in the aggregate the sum of Rs.2,00,00,000/-. The petitioner has impleaded all the next of kin as respondents including the beneficiary viz., 1st respondent herein. There is no next of kin or other persons interested, to be impleaded.

3. 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.

4. In order to prove the claim of the petitioner, he examined PW1 and PW2 and marked Ex.P.1 to Ex.P.8. 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 Mr. P. Radhakrishnan on 18.07.2004. The Original Will and testamant has been marked as 'Ex.P.3'. PW2 is one of the attesting witnesses, who has deposed that she is the daughter of the Testator and first attesting witness in the Will dated 18.07.2004 executed by the Testator and her father executed the Will in the presence of PW2 and his friend Mr. Govindaraj. The testator signed the Will in presence of PW2 and the said Mr. Govindaraj. PW2 and Mr. Govindaraj have signed in the Will as attesting Witnesses. Therefore, the execution of the Will and attestation are duly proved in accordance with law. The respondents have also filed their consent affidavits to issue Probate in favour of the petitioner.

5. From the averments made in the petition and the petitioner side evidences 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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6. In the result, the Original Petition is ***allowed*** and the Will executed by

Late Mr. P. Radhakrishnan dated 18.07.2004 is hereby probated

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

APPENDIX:

List of Petitioner side Witnesses:

PW1 : Mr. M.A. Baskar
PW2 : Mrs. D. Shanbagavalli

List of Petitioner side Documents:

Exhibit No.	Date	Description of Documents.
Ex.P.1.	09.09.1968	Photocopy of the Sale Deed executed in favour of Mr. P. Radhakrishnan.



Ex.P.2	07.04.1969	Photocopy of the Patta issued by Tahsildar in the name of Mr. P. Radhakrishnan.
Ex.P.3	18.07.2004	Original Will executed by Mr. P. Radhakrishna Chetty.
Ex.P.4.	-	Original Death Certificate of Mr. P. Radhakrishna Chettiar.
Ex.P.5	-	Computer generated Death Certificate of Mrs. S. Santha along with certificate under Section 63(4)(c) of B.S.A.
Ex.P.6	-	Computer generated Legal Heirship Certificate of Mrs. Santha along with Certificate under Section 63(4)(c) of B.SA.
Ex.P.7	-	Affidavit of assets showing the net value of assets at Rs.2,00,00,000/-
Ex.P.8	-	Photocopy of Aadhar Card of PW2.

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