



O.P.No.259 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **21.08.2025**

CORAM

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

O.P.No.259 of 2025

P.Suresh

...Petitioner

vs.

1.Nandhini

2.Pavithra

3.S.Pooja

4.S.Monica

Represented by her

Natural Guardian/Father Suresh

...Respondents

PRAYER: Original Petition filed under Sections 222 & 276 of the Indian Succession Act, XXXIX of 1925 read with Order XXV Rule 4 of O.S. Rules, praying that the petitioner 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.

For Petitioner : Mr.N.R.Anantha Ramakrishnan

For Respondents : Mr.V.Surya Shankar
(For R1 to R4)

ORDER

This Original Petition has been filed for issuance of Probate for the Last Will and testament dated 06.05.2024 executed by G.Thirunavukkarasu, who died on 26.05.2024. The petitioner has been



O.P.No.259 of 2025

WEB COPY

appointed as executor under the Will. The petitioner is the cousin brother of the testator and the respondents 1 to 4 are the daughters of the cousin brothers of the testator. The 4th respondent is a minor who has been represented by the natural guardian her father, the petitioner herein.

2. The petitioner submits that he is the cousin brother of the testator, through his father Late.Mr.Parathasarathy who was the younger brother of Late.Mr.Govindarajulu, the father of the testator. The petitioner submits that Late.Mr.Govindarajulu was married to one Mrs.Papammal and had begotten the one Ms.G.Ponmozhi and the testator as his children. The aforesaid parents of the testator Late.Mr.Govindarajulu and Mrs.Papammal had predeceased the testator on 27.10.2003 and 17.01.2021 respectively. Subsequently the only sibling of the testator Ms.G.Ponmozhi predeceased the testator as a spinster on 09.10.2022 and the testator also died as a bachelor. The petitioner further submits that his brother Late.Mr.Saravannan and himself are the cousin brothers of the testator, the respondents 1 and 2 are the daughters of his predeceased brother Late.Mr.Saravannan and the respondents 3 and 4 are his daughters. The petitioner asserts that the testator prior to his demise had executed a Will dated 06.05.2024, in which he had named the respondents 1 to 4 as the beneficiaries for both the movable and



O.P.No.259 of 2025

immovable properties listed therein and had appointed the petitioner as the executor of the Will.

3. The petitioner has been examined as PW1. He had produced 11 documents to support his deposition, which are listed as Ex.P1 to Ex.P11 at the foot of the order. The original Will dated 06.05.2024, executed by the testator has been marked as Ex.P1. The computer generated death certificate of the testator has been marked as Ex.P2. The photocopy of the death certificate of Late.Mr.Govindarajulu and the computer generated death certificate of Late.Mrs.Pappammal, the predeceased parents of the testator has been marked as Ex.P5 and Ex.P6 respectively. The Ex.P7 is the computer generated death certificate of Late.Ms.G.Ponmozhi, who was the predeceased sister of the testator. The photocopy of the Aadhar Card of the Petitioner has been marked as Ex.P10. The perusal of Ex.P1 clearly proves that the respondents 1 to 4 are the beneficiaries named in the Will executed by the testator and for which the petitioner had been appointed as the executor.

4. Mr.S.Balaji 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 along with



O.P.No.259 of 2025

the 2nd attesting witness Mrs.Uma Maheshwari. He had further identified the signatures of both the 2nd attesting witness and himself in the Original Will marked as Ex.P1 and his affidavit has been marked as Ex.P12.

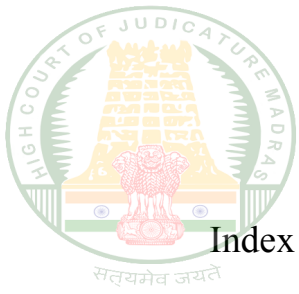
5. The respondents 1 to 4 have expressed their consent to grant the Probate of the Will dated 06.05.2024 executed by the testator in favour of the petitioner and their respective consent affidavits have been filed. The learned counsel representing the respondents 1 to 4, had reiterated the respective consent affidavits of the respondents.

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.

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 06.05.2024.

21.08.2025

kak



O.P.No.259 of 2025

Index :Yes/No

WEB COPY

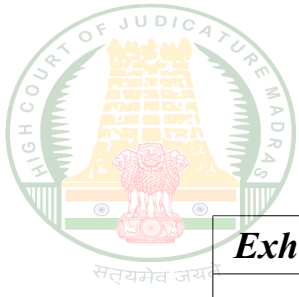
Petitioner's witness:

P.W.1 - Mr.P.Suresh

P.W.2 – Mr.S.Balaji

Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Original Will executed by Thirunavukkarasu dated 06.05.2024.
Ex.P2	Computer generated copy of the death certificate of Thirunavukkarasu who died on 26.05.2024.
Ex.P3	Photocopy of the Aadhaar card of Thirunavukkarasu.
Ex.P4	Photocopy of the family card of Thirunavukkarasu.
Ex.P5	Photocopy of the death certificate of Govindaraj who died on 27.10.2003.
Ex.P6	Computer generated copy of the death certificate of Pappammal who died on 17.01.2021.
Ex.P7	Computer generated copy of the death certificate of G.Ponmozhi who died on 09.10.2022.
Ex.P8	Photocopy of the sale deed in the name of Pappammal dated 25.01.1957.
Ex.P9	Photocopy of the sale deed in the name of Thirunavukkarasu dated 30.05.1990.
Ex.P10	Photocopy of the Aadhaar card of the petitioner.(Original is produced, compared and returned to the petitioner's counsel)
Ex.P11	Affidavit of assets showing the net value of the estate Rs.6,26,09,400/-
Ex.P12	Affidavit of P.W.2.
Ex.P13	Photocopy of the Aadhar card of the 1 st attesting witness.
	Certificate under Section 65 B of Indian Evidence Act is filed for Exs.P2, P6 & P7.
	Consent affidavits of R1 to R4 filed stating that they have



O.P.No.259 of 2025

Exhibits

Documents

no objection to probate the Will to the petitioner.

WEB COPY

21.08.2025

kak



WEB COPY



O.P.No.259 of 2025

K.KUMARESH BABU,J.

kak

O.P.No.259 of 2025

21.08.2025