



WEB COPY

O.P.No.15 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **08.04.2025**

CORAM

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

O.P.No.15 of 2025

Nirmal Kumar Bhaiya

...Petitioner

vs.

1.Smt.Rukmani Devi Bhaiya

2.Mrs.Rachana Devi Bhaiya

3.Ms.Pooja Bhaiya R

4.Mr.Yash Bhaiya

...Respondents

PRAYER: Original Petition filed under Section 222 and 276 of Indian Succession Act 1925 read with Order XXV Rule 4 of O.S. Rules, prays

a) That he may be allowed to prove the Will of Ramanlal Bhaiya dated 10.10.2023 in common form and that Probate thereof to have effect throughout the State of Tamil Nadu may be granted to the petitioner.

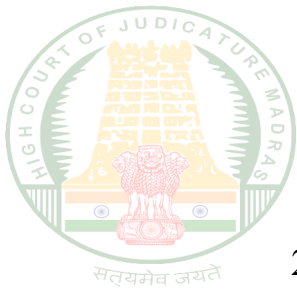
b) To pass such further or other orders.

For Petitioner : Mr.V.Balasubramanian

For Respondent : No appearance

ORDER

This Original Petition has been filed for issuance of Probate for the Last Will and testament dated 10.10.2023 executed by Late.Mr.Ramanlal Bhaiya, who died on 01.01.2024. The petitioner has been appointed as executor under the Will.



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2. The petitioner is the brother of the testator and the first respondent is the mother of the testator. The testator died leaving behind his wife, the second respondent along with his daughters the third and fourth respondents as his legal heirs. The petitioner and the second respondent are named as the beneficiaries under the said will executed by the testator.

3. The petitioner has been examined as PW1. He has produced the certified copy of the original will dated 10.10.2023 as Ex.P1. The copy of the death certificate of Late.Mr.Ramanlal Bhaiya has been marked as Ex.P2. The legal heir certificate of testator which has been marked as Ex.P3. The respondents 1 to 4 have expressed their consent to grant the probate of the Will through their consent affidavits filed along with the petition. In spite of the notice being served to the respondents, they kept themselves away from the proceedings. Ex.P1 proves that the petitioner has been appointed as the executor under the Will dated 10.10.2023, the petitioner and the second respondent are the beneficiaries named under the said will.

4. Mrs. Sonal Bhaiya, who was the second attesting witness to the said Will has been chief examined as PW2. The attesting witness had spoken about the execution of the Will by the testator and its attestation by her. She



has marked her affidavit regarding her attestation as Ex.C1.

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5. 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.

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 10.10.2023.

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Index :Yes/No

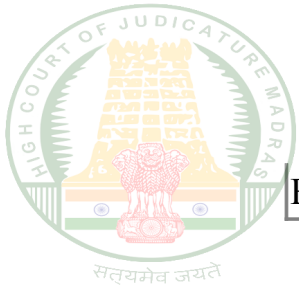
Petitioner's witness:

P.W.1 – Mr.Nirmal Kumar Bhaiya

P.W.2 – Mrs.Sonal Bhaiya

Documents exhibited by the petitioners:

Exhibits	Documents
Ex.P1	Original Will dated 10.10.2023.
Ex.P2	Online copy of the Death Certificate of Ramanlal Bhaiya dated 11.01.2024.
Ex.P3	Online copy of the Legal Heir Certificate of Ranamlal Bhaiya dated 03.02.2024.
Ex.P4	Original Affidavit of Assets dated 11.11.2024.



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Ex.C1

Affidavit of attesting witness in Ex.P1 Will.

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K.KUMARESH BABU, J.



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