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O.P.No.84 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.07.2025

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

O.P.No.84 of 2025

V.V.Subramanian

...Petitioner

VS.

1.Sekhar Venkatachalam
2.Uma Vasanthakumar
3.Uttara Valli Natarajan
4.Natarajan Sattanathan Kartik

...Respondents

PRAYER: Original Petition filed under Sections 222 and 276 of the Indian Succession Act of 1925 for issue of Probate of Will, read with Order XXV, Rule 4 of Rules of the High Court, Madras, Original Side, 1994, prays that the petitioner may be allowed to prove the Will of deceased Mrs.Gayatri Krishnaswami dated 17.11.2023 in common form, and that probate thereof, to have effect throughout the whole State of Tamil Nadu, may be granted to him.

For Petitioner : Mr.S.Manuraj

For Respondents : Mr.S.Varun (For R1 to R4)

ORDER

This Original Petition has been filed for issuance of Probate for the Last Will and testament dated 17.11.2023 executed by Gayathri Krishnaswami, who died on 23.07.2024. The petitioner has been appointed as

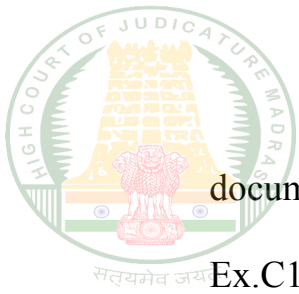


executor under the Will.

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2. The petitioner submits that the testatrix was married to one Mr.Kailasam Krishnaswami who predeceased the testatrix on 21.01.2022, the couple did not have any issues in the duration of their marriage. The petitioner further submits that both the parents of the testatrix had also predeceased the testatrix. The petitioner along with the 1st and 2nd respondents are the children of Mr.K.Venkatachalam who is the brother-in-law of the testatrix and the brother of the testatrix's husband. The respondents 3 and 4 are the children of Mrs.Ramani Natarajan, who is the friend of the testatrix as mentioned by the testatrix in the will. The testatrix before her death had executed a will on 17.11.2023 which is registered as Document No.13 of 2023 in SRO Thousand Lights. In the Will stated *supra* the testatrix had bequeathed both the immovable and movable properties mentioned in the Will in favour of both the petitioner and the respondents 1 to 4 as described thoroughly in the said Will dated 17.11.2023. Therefore the petitioner and the respondents 1 to 4 are the only beneficiaries named in the will.

3. The petitioner has been examined as PW1 and he had produced 28



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documents to support his deposition, which are listed as Ex.P1 to Ex.P24 and Ex.C1 to Ex.C4 at the foot of the order. The Original Last Will and testament of the testatrix has been marked as Ex.P6. The online copy of the legal heirship certificate of Mr.K.Krishnaswami, who is the husband of the testatrix has been marked as Ex.P5. The online copy of the death certificates of the testatrix and her husband has been marked as Ex.P12 and Ex.P4 respectively. The perusal of Ex.P6 clearly substantiates the claims made in the petition that the petitioner along with all the respondents 1 to 4 are the only beneficiaries named in the Will executed by the testatrix and it further also proves that the petitioner had been appointed as the executor of the Will stated *supra*.

4. Mr.K.Palani and Mr.R.Kathiresan have been examined as PW2 and PW3, who are the 1st and the 2nd attesting witnesses to the will executed by the testatrix respectively. Both the attesting witnesses have spoken about the execution of the Will by the testatrix and its attestation by them and they have marked their affidavits as Ex.C5 and Ex.C6.

5. The respondents 1 to 4 have given their consent to grant the probate of the Will dated 17.11.2023 executed by the testatrix in favour of the petitioner. Their consent affidavits of the respondents 1 to 4 which expresses



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their respective consent have been marked as Ex.C1 to Ex.C4. The learned counsel for the respondents 1 to 4 have appeared on behalf of them and have 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 17.11.2023.

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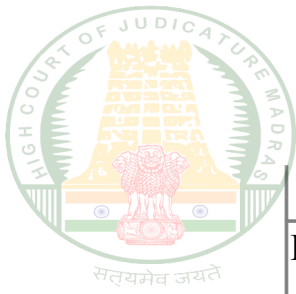
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Index :Yes/No

Petitioner's witness:

P.W.1 – Mr.V.V.Subramanian
P.W.2 – Mr.K.Palani
P.W.3 – Mr.R.Kathiresan

Documents exhibited by the petitioners:

Exhibits	Documents
Ex.P1	Photocopy of the Sale Deed registered as Document No.17 of 1983 on the file of the SRO, Thousand Lights dated 29.07.1983.(Original produced, compared and returned)
Ex.P2	Photocopy Sale Deed registered as Document No.977 of 1992 on the file of the SRO, Thousand Lights dated

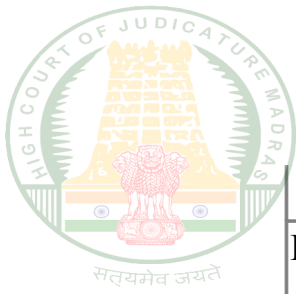


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	30.11.1992.(Original produced, compared and returned)
Ex.P3	Photo Copy Certificate of Registration bearing R.C.No.A3712226 of vehicle bearing Registration No.TN 01 AX 2012 dated 17.11.2014.(Original produced, compared and returned)
Ex.P4	Online copy of Death Certificate of Mr.K.Krishnaswami dated 01.02.2022.
Ex.P5	Online copy Legal Heirship Certificate of Mr.K.Krishnaswami dated 06.03.2022.
Ex.P6	Original Last Will and Testament of Ms.Gayatri Krishnaswami dated 17.11.2023.
Ex.P7	Downloaded copy of Annual Account Statement of the Assets held with SBI Mutual Fund under Folio No.10204534 dated 16.04.2024.
Ex.P8	Downloaded copy of transaction/Billing Statement of Demat Account No.55708825 at HDFC Bank, ITC Centre, Anna Salai, Chennai dated 30.04.2024.
Ex.P9	Downloaded copy of Fixed Deposit Summary of Fixed Deposit No.50300524400790 at HDFC Bank, ITC Centre, Anna Salai, Chennai dated 07.06.2024.
Ex.P10	Downloaded copy of Fixed Deposit Summary of Fixed Deposit Account No.50300524405266 at HDFC Bank, ITC Centre, Anna Salai, Chennai dated 07.06.2024.
Ex.P11	Downloaded copy of PMS Investor Report/Account Statement of Assets held with Nippon India Portfolio Management under Unique Client Code HF51537 dated 30.06.2024.
Ex.P12	Online Copy of Death Certificate(Date of Death 23.07.2024) of Ms.Gayatri Krishnaswami dated 02.08.2024.
Ex.P13	Original Burial Ground Report of Ms.Gayatri Krishnaswami dated 24.07.2024.
Ex.P14	Downloaded copy of Statement for Savings Account No.00041000002729 at HDFC Bank, ITC Centre branch, Anna Salai dated 12.08.2024.
Ex.P15	Downloaded copy of Statement for Savings Account No.50100001543832 at HDFC Bank, ITC Centre branch,

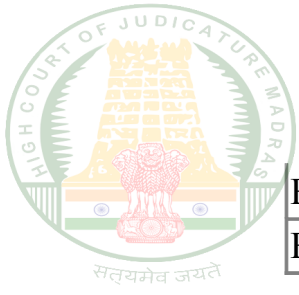


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	Anna Salai dated 12.08.2024.
Ex.P16	Downloaded copy of Statement Summary for Savings Account No.602601175251 at ICICI Bank, T Nagar, Chennai dated 30.09.2024.
Ex.P17	Downloaded copy of Statement Summary of Savings Account No.603601053031 and Fixed Deposit No.603613011118 at ICICI Bank, Egmore, Chennai dated 30.09.2024.
Ex.P18	Downloaded copy of Statement Summary of Savings Account No.40930227324 and Fixed Deposit No.4039019019 at State Bank of India, Nungambakkam, Chennai, dated 30.09.2024.
Ex.P19	Downloaded copy of Statement of Accounts of Assets held with Chola Securities under Client Code FB491 dated 30.09.2024.
Ex.P20	Downloaded copy of Portfolio Valuation Report of the Assets held with ICICI Prudential Asset Management dated 30.09.2024.
Ex.P21	Downloaded copy of Annual Account Statement of the Assets held with ICICI Prudential Enhanced Dynamic Equity Fund under Folio No.7000000113 dated 05.10.2024.
Ex.P22	Downloaded copy of Statement of Accounts of Assets held with HDFC Mutual Funds under Folio No.19350570/74 dated 21.10.2024.
Ex.P23	Original Affidavit of Assets of the deceased filed along with the Probate Petition dated 28.11.2024.
Ex.P24	Original Certificate under Section 63 of the Bharatiya Sakshya Adhiniyam, 2023 of Mr.Namasivayam dated 28.11.2024.
Ex.C1	Consent Affidavit filed by 1 st respondent Sekhar Venkatachalam.
Ex.C2	Consent Affidavit filed by 2 nd respondent Uma Vasanthakumar.
Ex.C3	Consent Affidavit filed by 3 rd respondent Uttara Valli Natarajan.
Ex.C4	Consent Affidavit filed by 4 th respondent Natarajan Sattanathan Kartik.



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Ex.C5	Affidavit of attesting witness in Ex.P6 Will.
Ex.C6	Affidavit of attesting witness in Ex.P6 Will.

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