



O.P.No.299 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **23.06.2025**

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

O.P.No.299 of 2024

Dr.G.S.Kailash

...Petitioner

VS.

1.Sri Kanchi Kamakoti Peetham
Sri Sankara Matam,
Varanasi Branch,
B4/7, Hanuman Ghat,
Varanasi – 221 001.

2.Smt.Devika Anand

3.Smt.Revathy

4.Shri Bashyam Rama Murthy

5.Smt G Sudha

...Respondents

PRAYER: Original Petition filed under Section 222 and 276 of the Indian Succession Act read with Order XXV Rule 4 of O.S. Rules, prays 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 having effect throughout the State of Tamil Nadu.

For Petitioner : M/s.R.Meenal



For Respondents : Served - No appearance

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ORDER

This Original Petition has been filed for issuance of Probate for the Last Will and testament dated 25.07.2021 executed by Late Yogam Kuppuswamy, who died on 11.03.2023. The petitioner has been appointed as executor under the Will.

2. The testatrix had executed a will on 25.07.2021 with regard to her movable properties which are more fully described in schedule to the petition. The testatrix died as the spinster with no immediate legal heirs as the mother, father and the sister of the testatrix had already predeceased her. The petitioner and all the respondents from 1 to 5 have been named as the beneficiaries under the said Will executed by the testatrix on 25.07.2021. The petitioner further submits that a separate petition has been filed to grant the probate of another Will of the testatrix with regard to her immovable properties executed on the same date.

3. The petitioner has been examined as PW1, he has produced 36 documents to support his deposition, which are marked as Ex.P1 to Ex.P36,

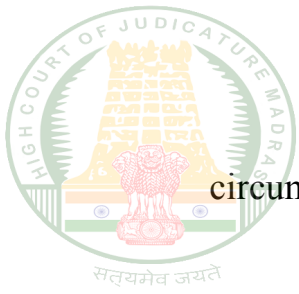


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listed in the foot of the order. The original Will executed by the testatrix on 25.07.2021 is marked as Ex.P3. The photocopy of the death certificate of Late Yogam Kuppuswamy has been marked as Ex.P4. The computer generated death certificates of the mother, father and the sister of the testatrix has been marked as Ex.P5, Ex.P4 and Ex.P6 respectively. The perusal of the Ex.P3 adequately proves that the petitioner is the executor appointed by the testatrix and the petitioner along with all the respondents 1 to 5 are named as the beneficiaries under the said will. The service of notices upon the respondents has been completed, inspite of which the respondents chose to keep themselves away from the proceedings.

4. Mrs.Jayanthi Ravishankar, who was the second attesting witness to the said Will has been examined as PW2. She had spoken about the execution of the Will by the testatrix and its attestation by her and the first attesting Mrs.Karpagam and marked her affidavit as Ex.P37.

5. The assertions in the petition have been duly proved by adducing the depositions made which are supported by necessary documents. In these



circumstances, the petitioner is entitled to the relief.

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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 25.07.2021.

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Index :Yes/No

Petitioner's witness:

P.W.1 – Dr.G.S.Kailash

P.W.2 – Mrs.Jayanthi Ravishankar

Documents exhibited by the petitioners:

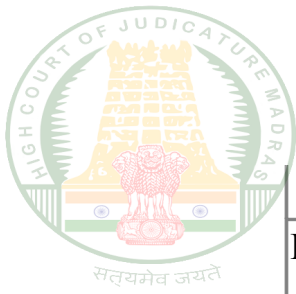
Exhibits	Documents
Ex.P1	Photocopy of AADHAR Card of P.W.1.(Compared with original)
Ex.P2	Photocopy of PAN Card of P.W.1.(Compared with original)
Ex.P3	Original Will dated 25.07.2021.
Ex.P4	Photocopy of the death certificate of Mr.K.Kuppu Swamy.
Ex.P5	Computer generated copy of the death certificate of Kamakshi.
Ex.P6	Computer generated copy of the death certificate of Ms.Abayam.
Ex.P7	Computer generated copy of the legal heirship certificate of



	her mother Kamakshi dated 20.10.2021.
Ex.P8	Computer generated copy of the town survey land register of Yogam's property.
Ex.P9	Computer generated copy of the death certificate of Ms.Yogam.
Ex.P10	Photocopy of Yogam's AADHAR Card.(Compared with original)
Ex.P11	Photocopy of Yogam's PAN Card.(Compared with original)
Ex.P12	Photocopy of the Life Insurance Corporation of India LIC Jeevan Akshay-Policy dated 23.06.2017.(Compared with original)
Ex.P13	Photocopy of the Life Insurance Corporation of India LIC Jeevan Akshay-Policy dated 03.06.2016.(Compared with original)
Ex.P14	Photocopy of the Life Insurance Corporation of India LIC Jeevan Akshay-Policy dated 08.09.2016.(Compared with original)
Ex.P15	Photocopy of the State Bank of India Fixed Deposit dated 17.12.2020.(Compared with original)
Ex.P16	Photocopy of the State Bank of India, Savings joint account-first page of pass book of Ms.Yogam with Dr.G.S.Kailash.(Compared with original)
Ex.P17	Photocopy of the State Bank of India, Savings account -first page of pass book of Ms.Yogam.(Compared with original)
Ex.P18	Photocopy of the IOB Savings joint Account Passbook of Ms.Yogam with Mrs.Sudha Gurumoorthy.(Compared with original)
Ex.P19	Computer generated copy of the IOB Statement of Accounts dated 03.08.2023.
Ex.P20	Photocopy of the United Bank of India savings account first page of pass book of Abhayam and Ms.Yogam.(Compared with original)
Ex.P21	Photocopy of the United Bank of India savings account first



	page of pass book of Kamakshi, Abhayam and Yogam.(Compared with original)
Ex.P22	Photocopy of the United Bank of India savings account first page of pass book of Yogam and Abhayam.(Compared with original)
Ex.P23	Photocopy of the Post Office Senior Citizens Savings Scheme first page of passbook of Kuppusamy Yogam.(Compared with original)
Ex.P24	Photocopy of the Post Office term deposit of K Yogam.(Compared with original)
Ex.P25	Photocopy of the Post Office monthly income Scheme passbook of K.Yogam.(Compared with original)
Ex.P26	Photocopy of the Post Office term deposit of K.Abhayam.(Compared with original)
Ex.P27	Photocopy of the Post Office term deposit of Kuppusamy Yogam and Kuppusamy Abhayam.(Compared with original)
Ex.P28	Photocopy of the Post Office term deposit of Kuppusamy Yogam and Kuppusamy Abhayam.(Compared with original)
Ex.P29	Photocopy of the Post Office savings account passbook of Abhayam and Kamakshi.
Ex.P30	Photocopy of the Sundaram Finance term deposit CDJ109444 of Ms.K.Yogam dated 17.01.2020.(Compared with original)
Ex.P31	Photocopy of the Sundaram Finance term deposit CDJ109445 of Ms.K.Yogam dated 29.02.2020.(Compared with original)
Ex.P32	Photocopy of the Sundaram Finance term deposit CDJ109446 of Ms.K.Yogam dated 29.02.2020.(Compared with original)
Ex.P33	Photocopy of the Sundaram Finance term deposit CDJ109489 of Ms.K.Yogam dated 17.01.2020.(Compared



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	with original)
Ex.P34	Photocopy of the SBI Mutual Funds affidavit dated 11.03.2022.(Compared with original)
Ex.P35	Photocopy of the T.N.Transport Finance Corporation Ltd dated 14.03.2022.(Compared with original)
Ex.P36	Affidavit of assets showing the net value of assets Rs.1,28,40,503/-.
	Affidavit under Section 65 B of Indian Evidence Act is filed for Exs.P5 to P9, P12 and P19.
Ex.P37	Affidavit of P.W.2.
Ex.P38	The photocopy of the Aadhar card of the 2 nd attesting witness.

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