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O.P. No.153 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2025

CORAM :

THE HONOURABLE MR.JUSTICE P.DHANABAL

O.P. No.153 of 2025

Praful Chand Chordia

S/o. Late Mr. Devraj Chordia

... Petitioner

Vs

1. Vimalchand Chordia S/o.Mr. Praful Chand Chordia

2. Navarathan Kaur Chordia W/o. Mr. Sainikraj Chordia

3. Pushp Chand Chordia S/o. Mr. Sainikraj Chordia ... Respondents

PRAYER: Original Petition is filed under Section 222 and 276 of the Indian

Succession Act 1925 and under Order XXV Rule 4 of Madras High Court

Original Side Rules for issuing Probate.

For petitioner : Mr. K.M. Aasim Shehzad

For Respondents : Mr. S. Hussain Afroze

ORDER

This petition has been filed under Section 222 and 276 of the Indian



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Succession Act read with Order XXV Rule 4 of Madras High Court Original

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Side Rules seeking to grant Probate of the Will dated 30.03.2023 executed by

late Mr. Sainikraj Chordia to have effect through out the State of Tamil Nadu.

2. The petition has been filed for grant of probate of Will executed by one late Mr. Sainikraj Chordia on 30.03.2023. According to the petitioner, the late Mr. Sainikraj Chordia is the brother of the petitioner, uncle of the 1st respondent, husband of the 2nd respondent and father of the 3rd respondent. The deceased Mr. Sainikraj Chordia died on 06.04.2023 leaving behind the 2nd and 3rd respondents as his Class-I legal heir. The parents of the deceased Mr. Sainikraj Chordia predeceased him. The deceased Mr. Sainikraj Chordia, during his lifetime, had bequeathed the schedule mentioned property in favour of the 1st respondent by executing a Will dated 30.03.2023. The deceased Mr. Sainikraj Chordia appointed the petitioner as executor of the said Will and after the demise of the said Mr. Sainikraj Chordia on 06.04.2023, the

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petitioner became the executor of the Will dated 30.03.2023.

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3. All the surviving legal heirs at present are the parties to this probate.

The petitioner has impleaded all the next of kin of the testator as respondents and there is no next kin or other persons interested to be impleaded. The respondents have consented for issuing probate in favour of the petitioner and they have filed consent affidavits in that regard. The amount of assets which is likely to come to the petitioner's hand does not exceed in the aggregate sum of Rs.6,40,00,000/- and net amount of the said assets after deducting all the items, which the petitioner is by law allowed to deduct is only of the value of Rs.6,40,00,000/-. The petitioner hereby undertakes 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 Will annexed to the petition and also to render to this Court a true account of the



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said property within one year from the said date.

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4. The petitioner was examined as PW1 and marked Ex.P.1 to Ex.P.3.

PW1 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 Mr. Sainikraj Chordia on 30.03.2023.

One Mr. Pawan Kumar Bengani, who is one of the attesting witnesses in the Will, has been examined as PW2. In his evidence, he had stated that he knows the deceased Mr. Sainikraj Chordia very well and the testator was in sound state of mind while executing the Will and he had also seen the testator signing the Will and the other attesting witness subscribing his signature in the document. He has also stated that the testator had seen the attesting witnesses subscribing their signatures in the Will. The evidence of attesting witness not only proved the execution but also the attestation of the Will and there is no other material to suspect the Will.



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5. From the averments made in the petition and the depositions of PW1

and PW2 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.

6. In the result, the Original Petition is ***allowed*** and the Will executed by late Mr. Sainikraj Chordia dated 30.03.2023 is hereby probated.

22.09.2025

Index : Yes/No
Speaking Order : Yes/No
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APPENDIX:

List of Petitioner side Witnesses:

PW1 : Mr. Prafulchand Chordia
PW2 : Mr. Pawan Kumar Bengani



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List of Petitioner side Documents:

Exhibit No.	Date	Description of Documents.
Ex.P.1	30.05.1959	Photocopy of the settlement deed in favour of the deceased Mr. Sainikraj Chordia.
Ex.P.2	30.03.2023	Original Will executed by the deceased Mr. Sainikraj Chordia
Ex.P.3	06.04.2023	Photocopy of the Death Certificate of the deceased Mr. Sainikraj Chordia.
Ex.P.4	28.04.2023	Photocopy of the Attestation of Family Tree of the deceased Mr. Sainikraj Chordia.
Ex.P.5	1	Photocopy of the Aadhar Card of the petitioner.
Ex.P.6	1	Consent Affidavit of Mr. Vimalchand Chordia.
Ex.P.7	1	Consent Affidavit of Mr. Navarathan Kaur.
Ex.P.8.	1	Consent Affidavit of Mr. Pushpchand Chordia.

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