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O.P. No.104 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.10.2025

CORAM :

THE HONOURABLE MR.JUSTICE P.DHANABAL

O.P. No.104 of 2025

1. T. Vijay Babu S/o. Late T. Bakthavatchala Rao
 2. T. Ganesh Kumar S/o. Late T. Bakthavatchala Rao ... Petitioners
- VS.
1. T. Nagamalleswari W/o. Late T. Bakthavatchala Rao
 2. Pranith Yasa S/o. Prabhakar Reddy ... Respondents

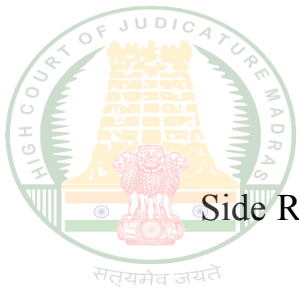
PRAYER: Original Petition is filed under Section 222 and 276 of the Indian Succession Act 1925 and under Order XXV Rule 4 of Madras High Court Original Side Rules for issuing Probate.

For petitioners : Mr. Vikram Ramakrishnan

For respondents : Mr. V. Bhavani Sree

ORDER

This petition has been filed under Section 222 and 276 of the Indian 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 30.01.2002 executed by

Late T. Bakthavatchala Rao to have effect limited to the State of Tamil Nadu.

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2. According to the petitioners, they are the sons of the testator Late T. Bakthavatchala Rao. The 1st respondent is the wife of Late T. Bakthavatchala Rao and 2nd respondent is the grandson of the testator, who is a son of testator's daughter Smt. T. Hemalatha. The said Smt. T. Hemalatha, predeceased the testator on 25.06.2014. The testator was the absolute owner of the properties described in Schedule I to III. The said properties were purchased by the testator during his lifetime. The parents of the testator predeceased him. The testator executed a Will dated 30.01.2002 bequeathing the immovable properties in favour of his sons, the petitioners herein. The petitioners were appointed as executors of the said Will executed by the testator Late T. Bakthavatchala Rao. Thereafter, the testator died on 03.11.2019 leaving behind the petitioners and the 1st respondent as the only legal heirs. The market value of the schedule mentioned properties would not

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exceed Rs.5,00,00,000/-.

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3. The testator had appointed the petitioners as the executors of the Will and they are the beneficiaries of the said Will. Except the petitioners and the respondents, there are no other next of kin to the testator to be impleaded. The respondents have given their consent by filing affidavit that they have no objection to grant probate in favour of the petitioners. The 1st attesting witness in the Will is no more and the 2nd attesting witness is not known to the petitioners. At the time of execution of Will by the testator, the 1st respondent, who is the wife of the testator, was also present. A third party affidavit has also been filed by the 1st respondent.

4. The amount of assets which is likely to come to the petitioner's hand does not exceed in the aggregate sum of Rs.5,00,00,000/-. The petitioner had undertaken 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

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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 probate to the petitioner and also to render to this Court a true account of the said property within one year from the said date.

5. In order to prove the claim of the petitioners, PW1 to PW3 were examined on the side of the petitioners and Ex.P.1 to Ex.P.6 were marked. ExC1 to Ex.C.3 were also marked. The 1st respondent, wife of the testator, has been examined as PW2 and one S. Alagammal has been examined as PW3.

6. PW1, the 1st petitioner herein, 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 Late T. Bakthavatchala Rao on 30.01.2002. The said Will and testamant has been

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marked as 'Ex.P.3'. PW2, in her evidence, had stated that the testator had

executed a Will dated 30.01.2002 and she was also present along with the

testator at the time of execution of Will. She has also identified the signature

of the testator in the Will. Since the attesting witnesses are not available, the

person who has acquaintance with the handwritings and signatures of one of

the attestors and the testator was examined as PW3 and she has deposed that

she knows Mr. M. Rajamanickam, who is one of the attesting witnesses and

they both were working in the same firm and he is no more. She has

categorically deposed about the execution of the Will by the deceased and

about the attestation by one of the attestors. She has also identified the

signature of the deceased in the Will and the signature of the attesting witness.

Therefore, the execution of the Will and attestation are duly proved in

accordance with law.

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

to PW3 supported by the documents, it is clear that the petitioners have

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proved their claim and there is no contra evidence. Hence, this Court is

satisfied that the petitioners are entitled to the relief as prayed for in the petition.

8. In the result, the Original Petition is ***allowed*** and the Will executed by Late T. Bakthavatchala Rao dated 30.01.2002 is hereby probated.

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Index : Yes/No

Speaking Order : Yes/No

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APPENDIX:

List of Petitioner side Witnesses:

PW1 : Mr. T. Vijay Babu

PW2 : Mr.T. Nagamalleswari

PW3 : Ms. S. Alagammal

List of Petitioner side Documents:

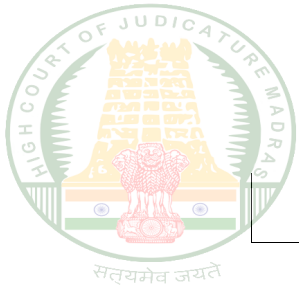


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Exhibit No.	Date	Description of Documents.
Ex.P.1	27.11.2019	Online copy of the Death Certificate of Mr. T.B. Rao @ Mr. T. Bakthavatchala Rao.
Ex.P.2	19.02.2020	Online copy of Legal Heirship certificate of Mr. T. Bakthavatchala Rao.
Ex.P.3	30.01.2002	Original Will executed by Mr. T. Bakthavatchala Rao and registered as Doc. No.21/2002, Book-III, on the file of SRO, Anna Nagar, Chennai.
Ex.P.4	22.02.1999	Sale Deed registered as Doc. No.1975 of 1999 on the file of SRO, Arani.
Ex.P.5	25.03.1994	Sale Deed registered as Doc. No.920 of 1994, on the file of SRO, Arani.
Ex.P.6	20.06.1994	Sale Deed registered as Doc. No.996 of 1994, on the file of SRO, Arani.

List of Court documents:

Exhibit No.	Date	Description of Documents.
Ex.C.1	-	Affidavit filed by Mrs. Nagamalleeswari, W/o. Late Mr. T. Bakthavatchala Rao.
Ex.C.2	-	Consent affidavit filed by 1st respondent Nagamalleeswari, W/o. Late Mr. T. Bakthavatchala Rao.
Ex.C.3	-	Consent affidavit filed by the 2nd respondent S/o. Prabhakar Reddy.



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