



O.P.No.39 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: **02.04.2025**

CORAM

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**
O.P.No.39 of 2025

Mr.V.Ayyadurai

... Petitioner

Vs

1.Smt.Renuka Chandramohan

2.Mr.K.Sundareswaran

3.Smt.Radha Venkatachalam

...Respondents

PRAYER: Original Petition filed for Probate under Section 222 and 276 of Indian Succession Act, R/W Order Order XXV Rule 4 of Original Side Rules, prays to allow the petitioner 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.

For Petitioner : Mr.P.Muthukumaarasaamy

For Respondents : Mr.S.Wilson for RR1 to 3

ORDER

This Original Petition has been filed for issuance of Probate for the Last Will and testament dated 27.05.2020 executed by Late.R.Krishnamoorthy, who died on 18.10.2022. The petitioner has been appointed as executor under the Will.



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2. The respondents are the children of the testator. The parents and wife of the testator had predeceased him. The present application is only for a limited grant and is restricted to testator's immovable properties. The will dealt with 7 properties which were specifically bequeathed on the each respondents separately. The respondents are only the beneficiaries under the Will. The respondents have also filed their consent affidavits expressing their consent for the grant of probate. The petitioner made an application to appoint advocate commissioner to examine himself in A.No.857 of 2025. The said application was ordered on 24.02.2025 and Mr.K.Harishankar, Advocate had been appointed as advocate commissioner to examine the petitioner. The advocate commissioner examined the petitioner and had filed his report along with marked documents on 07.03.2025.

3. The Advocate Commissioner has examined the petitioner as PW1. He has produced the computer generated death certificate of testator and his wife Mrs.Kanagambigai as Ex.P2 and Ex.P3. The Computer generated Legal heir certificate of testator as Ex.P4. The original will dated 27.05.2020 as Ex.P1. On perusal of Ex.P4, it clearly exhibits that the respondents are the children of the testator and only surviving legal heirs of the testator.



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4. Mr.R.Bharanidharan, who was the first attesting witness to the said Will has been examined as PW2. The attesting witness had spoken about the execution of the Will by the testator and its attestation by him and marked his affidavit as Ex.P22.

5. Mr.S.Wilson, the learned counsel for the respondents reiterated the consent affidavits filed by the respondents along with the original petition.

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 27.05.2020.

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Gba
Index :Yes/No
Speaking: Yes/ No
Neutral Citation: Yes/No



Petitioner's witness:

P.W.1 — Mr.V.Ayyadurai

P.W.2 – Mr.R.Bharanidharan

Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>	<i>Date</i>
Ex.P1	Original Will	27.05.2020
Ex.P2	Computer generated copy of the Death Certificate of Late Mr.R.Krishnamoorthy, issued by Greater Chennai Corporation	30.10.2022
Ex.P3	Computer generated copy of the Death Certificate of Late Mrs.Kanagambigai Krishnamoorthy, issued by Greater Chennai Corporation	17.11.2021
Ex.P4	Computer generated copy of the Legal Heirship Certificate in respect of Late Mr.R.Krishnamoorthy	15.12.2022
Ex.P5	Photocopy of Sale deed registered as Document No.1646/1972, SRO Mylapore.	28.08.1972
Ex.P6	Photocopy of Builders Agreement in respect Commercial Space G3 and F3, Dignity Centre, Old Door Nos.16 & 17, New Door Nos.21 & 21/1, Abdul Razack Street, Saidapet, Chennai -15	14.02.1998
Ex.P7	Photocopy of Sale Deed, Document No.432/1999, JSR II, Saidapet	03.03.1999
Ex.P8	Photocopy of Sale deed registered as Document No.272/1996, JSRO II, Saidapet	11.03.1996
Ex.P9	Photocopy of Sale Deed registered as Document No.2720/1989, SRO, Thiruporur	11.10.1989
Ex.P10	Photocopy of Sale Deed, registered as Document No.2862/1989, SRO, Thiruporur	30.10.1989
Ex.P11	Photocopy of Sale Deed, registered as Document No.2863/1989, SRO, Thiruporur	30.10.1989
Ex.P12	Photocopy of Sale Deed, registered as Document No.2923/1989, SRO Thiruporur	04.11.1989
Ex.P13	Photocopy of Sale Deed, registered as Document	25.11.1989



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Exhibits	Documents	Date
	No.3417/1989, SRO Thiruporur	
Ex.P.14	Photocopy of Sale Deed registered as Document No.3118/1989, SRO Thiruporur	25.11.1989
Ex.P.15	Photocopy of Sale Deed, registered as Document No.177/1990, SRO Thiruporur	27.01.1990
Ex.P.16	Photocopy of Sale Deed, registered as Document No.875/1990, SRO Thiruporur	09.04.1990
Ex.P.17	Photocopy of Sale Deed registered as Document No.687/1985, District Registrar, Madras Central	12.07.1985
Ex.P.18	Photocopy of Partition Deed, registered as Document No.718/1970, SRO Koothanallur	07.02.1970
Ex.P.19	Affidavit of Assets showing the net value of the estate as Rs.29,99,00,000/-	
Ex.P.20	Affidavit of certify electronic evidence	
Ex.P.21	Photocopy of Aadhar Card	
Ex.P.22	Affidavit of the Attesting witness	
Ex.P.23	Photocopy of the Aadhar card of PW2	

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