



O.P.No.38 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.38 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



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ORDER

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This Original Petition has been filed for issuance of Probate for the Last Will and testament dated 16.09.2019 executed by Mrs.Kanagambigai Krishnamoorthy, who died on 11.11.2021. The petitioner has been appointed as executor under the Will.

2. The respondents are the children of the testatrix. The husband of the testatrix died on 18.10.2022. The will dealt with 2 properties among which item (i) was bequeathed to the son, who is the second respondent and item (ii) was bequeathed to the two daughters, who were the first and third respondents jointly. The respondents are only the beneficiaries under the Will. The consent affidavits of the respondents were filed expressing their consent for the grant of probate. The petitioner made an application to appoint advocate commissioner to examine himself in A.No.855 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.



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He has produced the computer generated death certificate of testatrix and her husband Late.R.Krishnamoorthy as Ex.P2 and Ex.P4. The Computer generated Legal heir certificate of testatrix as Ex.P3. The original will dated 16.09.2019 as Ex.P1. On perusal of Ex.P3, it clearly exhibits that the testatrix has a husband and three children. The husband of the testatrix died on 18.10.2022. From the above observation, it can be inferred that the respondents who are the children of the testatrix, are the only surviving legal heirs of the testatrix.

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 testatrix and its attestation by him and marked his affidavit as Ex.P10.

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.



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Hence, the Original Petition is allowed granting probate of the last Will and testament dated 16.09.2019.

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



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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	16.09.2019
Ex.P2	Computer generated copy of the Death Certificate of Late Mrs.Kanagambigai Krishnamoorthy issued by the Greater Chennai Corporation	11.12.2021
Ex.P3	Computer generated copy of the Legal Heirship Certificate of Late Mrs.Kanagambigai Krishnamoorthy	21.03.2022
Ex.P4	Computer generated copy of the Death Certificate of Late Mr.R.Krishnamoorthy, husband of the Testatrix, issued by Greater Chennai Corporation	30.10.2022
Ex.P5	Photocopy of the Settlement Deed registered as document No.2661 of 1996 at SRO, Mylapore, executed by Smt.Malathi Jagadeesan in favour of Smt.Kanagambigai Krishnamoorthy, with respect to the property bearing Door No.11/Old No.27, Masilamani Mudaliyar Road, Balaji Nagar, Chennai – 600 014	29.03.1996
Ex.P6	Photocopy of the Settlement Deed dated registered as Document No.2445 of 2009 at SRO, Mylapore, executed by Mrs.Vijayalakshmi Krishnamoorthy in favour of Mrs.Kanagambigai Krishnamoorthy with respect of property bearing Old No.27, New Door No.17, Masilamani Road, Balaji Nagar, Chennai - 600014	27.11.2009
Ex.P7	Affidavit of Assets showing the net value of the estate as Rs.9,99,00,000/-	
Ex.P8	Affidavit to certify electronic evidence	



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<i>Exhibits</i>	<i>Documents</i>	<i>Date</i>
Ex.P9	Photocopy of Petitioner's Aadhar Card	
Ex.P10	Affidavit of the Attesting witness	
Ex.P11	Photocopy of the Aadhar card of PW-2	

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