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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-10-2026

CORAM

THE HON'BLE MR.JUSTICE P.B. BALAJI

OP No. 265 of 2025

CNR: {HCMA010260962025}

G.Sitharaman
No.218, TTK Road,
Alwarpet,
Chennai - 600 018

..Petitioner(s)

Vs

1. Sarada
   No.4, Mahalakshmi Street,
   T.Nagar,
   Chennai - 600 017
2. Raghu
   No.4, Mahalakshmi Street,
   T.Nagar,
   Chennai - 600 017

3. V.Lakshminarayan
   G2, SSM Residency Godavari,
   Moppedu Road,
   Alapakkam,
   New Perungalathur,
   Chennai - 600 063

..Respondent(s)

that the Petitioner may be permitted to prove the Will in common form and that probate thereof having effect throughout the State of TamilNadu may be granted to the Petitioner. Gross amount - Rs.1,49,64,986/- and Net amount - Rs.1,49,64,986/- Suc.duty of Rs.25,000/- paid on 17.09.2025 by e-C/F D.No.36838/2025.

For Petitioner(s): Ms.G.Vardini Karthik
For Respondent(s): No Appearance for R1 & R2
Mr.K.Rathinavel for R3

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ORDER

The petition has been filed for grant of Probate Last Will and Testament of V.Sathyamoorthy, who died on 30.09.2024 leaving behind Last Will and testament dated 04.08.2011.

2. The petitioner has examined himself as P.W.1 before the learned Master and marked Exs.P.1 to P.7. Ex.P.1 is the Original Will dated 04.08.2011. Ex.P.2 is the computer generated death certificate of the deceased testator V.Sathyamoorthy.

3. The respondents 1 and 2 are the wife and son of the deceased testator, who despite service of notice, have not come forward to either consent or object to the grant of Probate as prayed for by the petitioner.

4. Learned counsel for the petitioner, at this juncture points out that the deceased testator was separated from the respondents and under the Will also, the bequests are in favour of charitable institutions only.

5. The third respondent is the brother of the deceased, who has given his consent affidavit and he is also represented through counsel, who also affirms

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the factum of the third respondent having no objection for grant of probate to the petitioner as prayed for.

6. One of the attesting witnesses Mr.S.Ramachandran, has been examined as P.W.2 before the learned Master. He has deposed that he was personally acquainted with the testator V.Sathyamoorthy, having worked under him. He has also specifically stated that the Will was executed in his presence and in the presence of J.Swaminathan, the other attesting witness.

7. The attesting witness P.W.2 has affirmed the mental soundness of the deceased testator at the time of execution of Ex.P.1 Will. He has also stated that the Will was signed in his presence and he has also identified the signature of the testator before the Sub Registrar at the time of registration of the Will.

8. I am satisfied from the evidence of P.W.1 and P.W.2 that due execution and attestation of the Will have been proved as mandated under Section 63(c) of the Succession Act read with 67 of the BNS 2023 (Section 68 of the Evidence Act, 1872) entitling the petitioner to grant of probate as prayed for.

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P.B.BALAJI, J.

SR

9. This Original Petition is ordered as prayed for and the Registry is directed to issue probate with the Will dated 04.08.2011 annexed.

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Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

SR

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