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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-01-2026

CORAM

THE HON'BLE MR.JUSTICE P. DHANABAL

OP No. 219 of 2025

1. Anand Manickam
2. Arun Venkataswamy

..Petitioner(s)

Vs

1. P.M.Venkataswamy
2. P.M.Ramamurthy
3. Lakshmi Balu
4. Saraswathi Elangovan
5. Rajkumari Vijay Pillay

..Respondent(s)

PRAYER: The Original Petition has been filed under Section 222 and 276 of the Indian Succession Act read with Order XXV Rule 4 of Original Side Rules praying that this Hon'ble Court may allow the petitioners to prove the Will dated 19.03.2021 of late Ms.M.Umayal, in common form and that probate thereof, to have effect throughout the State of Tamil Nadu, may be granted to the petitioners.



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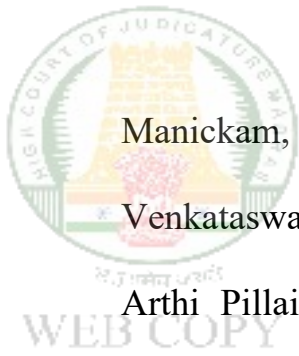
For Petitioner(s): Mr. J.Srinivasan
for M/s.Rugan And Arya

For Respondent(s): Mr. G.A. Thiagarajan

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 Side Rules seeking to grant Probate of the Will dated 19.03.2021 executed by Late Ms. M. Umayal to have effect limited to the State of Tamil Nadu.

2. According to the petitioners, they are the joint executors named in the Will of the deceased Ms. M. Umayal. The said M. Umayal is a Spinster, daughter of Late P. Muruga Manickam, died on 11.09.2024 at Chennai. The last Will and Testament executed by the said deceased was dated 19.03.2021 and after execution, the deceased handed over the said Will to Mrs. Ayshwarya R. Partner of M/s. Rugan & Arya. Thereafter, on 14.12.2024, the Will was handed over to the petitioners. The deceased bequeathed the amount derived from the sale of the Schedule A property, to each one of sons and daughter of her brothers and sisters, after her demise. From and out of the sale proceeds, after defraying expenses, the executors has to equally share the amount to the 16 persons, who are the sons and daughters of her brothers and sisters viz., Anand



Manickam, Anitha Manickam, Sujatha Balu, Arun Venkataswamy, Venkataswamy, Deepa Elangovan, Dilip Elangovan, Aditya Ramamurthy, Ajay Pillai, Arthi Pillai, Nikita Krishnamurthy, Cyrus Krishnamurthy, Anahata Sundaramurthy, Satvik Sundaramurthy, Harish Lakshmi Narayanan and Shruti Suresh Pillai. As per the bank deposit and savings bank account described in Schedule 'B', the deceased has appointed the 1st petitioner as her nominee and from and out of the total sums derived from the said bank accounts, she nominated the joint executors to give Rs.5 lakhs each to Dr. Meera Srivatsa, Saraswathi Puranik and Jothi Manickam and the balance has to be shared equally among the above said 16 persons.

2.1. The deceased Ms. Umayal was a Spinster. Her father P. Muruga Manickam died on 18.11.2005. Her mother Mrs. P.M. Krishnaveni died in July 1956 and one of her elder brother's P.M. Manickam died on 31.12.2012. The deceased survived by her 2 brothers and 3 sisters as her Class II Legal heirs namely 1) P.M. Venkataswamy, the 1st respondent herein, 2) P.M. Ramamurthy, the 2nd respondent herein, 3) Lakshmi Babu, the 3rd respondent herein, 4) Mrs. Saraswathi Elangovan, the 4th respondent herein 5) Rajkumari Vijay Pillai, the 5th respondent herein. Her parents are pre-deceased. The petitioners have impleaded the next kin or other persons interested. There is no next of kin or other persons interested to be impleaded. All the respondents have consented for granting probate in favour of the petitioners. The amount of assets which are likely to

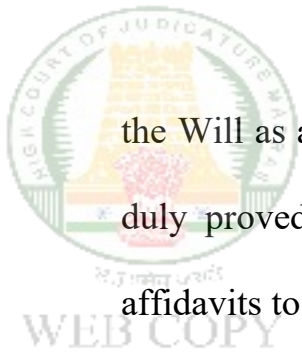


come into the petitioner's hands does not exceed in the aggregate the sum of Rs.1,47,62,236/-.

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3. The petitioners had undertaken to duly administer the specified property and credits of the deceased in any way concerned her 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 probate to the petitioners and also to render to this Court a true account of the said property within one year from the said date.

4. In order to prove the claim of the petitioners, PW1 and PW2 were examined and marked Ex.P.1 to Ex.P.9. 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 Ms. M. Umayal on 19.03.2021. The Original Will and testamant has been marked as 'Ex.P.1'. PW2 is one of the attesting witnesses, who has deposed that he knows the Testatrix and second attesting witness in the Will dated 19.03.2021 executed by the Testatrix in the presence of PW2 and one Mr. A. Dinesh. The testatrix was in a sound state of mind and in good health, at the time of execution of the said Will and she signed the Will in the presence of PW2 and the said Mr. A. Dinesh. PW2 and Mr. A. Dinesh have signed in



the Will as attesting Witnesses. Therefore, the execution of the Will and attestation are duly proved in accordance with law. The respondents have also filed their consent affidavits to issue Probate in favour of the petitioners.

5. From the averments made in the petition and the petitioners side evidences supported by the documents, it is clear that the petitioners have proved his 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.

6. In the result, the Original Petition is ***allowed*** and the Will executed by Late Ms. M. Umayal on 19.03.2021 is hereby probated

30.01.2026

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

APPENDIX:

List of Petitioner side Witnesses:

PW1	:	Mr. Anand Manickam
PW2	:	Mr. Hariharan



List of Petitioner side Documents:

Exhibit No.	Date	Description of Documents.
Ex.P.1.	19.03.2021	Original unregistered Will executed by Ms. M. Umayal.
Ex.P.2	-	Computer generated Death Certificate of Ms. M. Umayal.
Ex.P.3	20.12.2013	Photocopy of the Sale Deed executed in favour of Ms. M. Umayal.
Ex.P.4.	21.08.2017	Photocopy of the Canara Bank Deposit receipt standing in the name of Ms. M. Umayal.
Ex.P.5	06.11.2018	Photocopy of the Canara Bank Fixed Deposit receipt standing in the name of Ms. M. Umayal.
Ex.P.6	-	Downloaded copy of the statement of accounts issued by Canara Bank bearing No.0973101007736 of Ms. M. Umayal.
Ex.P.7	-	Certificate under Section 63 of B.S.A. for electronic documents.
Ex.P.8	-	Affidavit of assets showing the net value of estate at Rs.1,47,32,236/-.
Ex.P.9	-	Photocopy of PW2's Aadhar Card.

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