WEB COPY

Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-10-2026

CORAM

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

OP No. 387 of 2025

CNR: {HCMA010386772025}

S.Diwakar
S/o.K.Sankar,
No.8, Malligai Street,
Kurinji Nagar,
Porur, Chennai 600 116.

..Petitioner(s)

Vs

1. R. Bhargavi
   W/o. R.Viknesh,
   No.A431, V G N Amity,
   Avado Poonamallee Road,
   Paruthipattu, Avadi, Karamajnagar,
   Tamil Nadu 600 071.
2. Saradha Sankar
   W/o. Vedharaman Srinivasan,
   KCS Vista, 34/25,
   Bhagirathi Ammal Street, T.nagar,
   Chennai 600 017.

3. V.Swaminathan
   S/o. R.Vaidhyanathan,
   Block A202, Kcee Marudham,
   Anna Main Road, K.K.Nagar,
   Chennai 600 078.

4. Meera Swami
   W/o. Benjamin,
   73, Ridge Road,
   Letchworth Garden City,
   Hertfordshire SG6 1PS,
   United Kingdom.

5. Deepa Swami
   D/o. S.Narayanaswami,
   Flat B,93 Victoria Road,

https://www.mhc.tn.gov.in/judis

WEB COPY

London, NW6 6TD,
United Kingdom.

6. Umamaheswari. B (Deceased)
W/o. Baskar,
Flat AS-3, A Bock,
R S Luminous Apartments,
4 Gandhi Street, Kottivakkam,
Chennai 600 041.

7. V.Hari
S/o. K.Venkataramani,
No.89, 3rd Street,
Kamdar Nagar,
Chennai 600 034.

8. Kavya Venkataramani,
D/o. K.Venkataramani,
Flat 2102, Shoba Jasmine,
Green Glen Enclave, Bellandur,
Bangalore 560 103

9. D.Chaitanya (minor)
Rep. by his father S.Diwakar,
No.8, Malligai Street,
Kurinji Nagar, Porur,
Chennai 600 116.

10. Balasubramanian J
S/o.Janakiraman
72, Vivekananda Street,
Saligramam, Chennai 600 093
(10th respondent impleaded as per order in
Appln.No.696/2026 dt. 10.06.2026 as the legal
heir of deceased 6th respondent)

..Respondent(s)

Original Petition filed under Section 232 and 276 of the Indian Succession Act r/w Order XXV Rule 4 of the O.S. Rules, to prove the Will in common form and that probate thereof to have effect throughout the State of

https://www.mhc.tn.gov.in/judis

WEB COPY

Tamil Nadu may be granted to him. Gross amount of Rs.61,49,970/- and Net amount of Rs.61,49,970/- Suc.duty of Rs.25,000/- paid on 24.11.2025 by e-C/F D.No.44511/2025.

For Petitioner(s): Mr. G.Surya Narayanan

For Respondent(s): Mr. S. Sekar
For R3 To R5, R7 & R8

O R D E R

The petitioner is the sole executor appointed by late S.Rajagopolan under his last WILL and testament dated 08.07.2020. The said Rajagopalan died on 21.10.2020, leaving behind the aforesaid WILL as his last WILL and testament.

2. The petitioner is the nephew of the testator. The petitioner and the respondents are Class II legal heirs of late S.Rajagopolan. Though his wife, Chitra Rajagopalan, survived the testator, she subsequently died intestate.

3. In the light of the above, the Class II legal heirs became entitled to the estate of S.Rajagopolan. In view of the testamentary instrument left behind by Rajagopolan, the factum of the WILL has to be proved. For this purposes, the petitioner has examined himself as PW.1 and one of the attesting witnesses has been examined PW.2. The death certificate of Rajagopolan and his wife, Chitra, have been exhibited before the learned Master of this Court. The original WILL has also been filed.

https://www.mhc.tn.gov.in/judis

WEB COPY

4. I find from the WILL that the petitioner has been named as the sole executor. The respondents are all beneficiaries and each of them has filed a consent affidavit.

5. In the light of the above and on going through the evidence of PW.1 and PW.2, I am satisfied that the mandate of Section 63(c) of the Indian Succession Act r/w Section 67 of BNS, 2023 (corresponding to Section 68 of the Indian Evidence Act, 1872) have been duly complied with. Accordingly, I am satisfied that the Will has been duly proved in the manner required by law. In the light of the above, I am inclined grant Probate, as prayed for.

6.In fine,

(i) The Original Petition is allowed, as prayed for and the Registry is directed to issue Probate with the Will dated 08.07.2020 of late S. Rajagopalan annexed, to the petitioner.

(ii) Consideration the nature of relationship between the parties, there shall be no order as to costs.

28-10-2026

Neutral Citation: Yes/No
AT

https://www.mhc.tn.gov.in/judis

WEB COPY

P.B.BALAJI, J.

AT

OP No. 387 of 2025

28-10-2026

https://www.mhc.tn.gov.in/judis