



O.P. No.379 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2026

CORAM :

**THE HONOURABLE MR.JUSTICE P.DHANABAL**

**O.P. No.379 of 2025**

1. Mrs. Rema Sreedharan,  
W/o. Mr. M.R. Sreedharan and  
D/o. Late A. Sreekantan Nair,  
residing at  
B T 1, Villa Espana,  
No.158/59, Velachery Main Road,  
Velachery, Chennai – 600 042

... Petitioner(s)

..Vs...

1. Mrs. Laxmi Chandra,  
W/o. Mr. Suresh Chandra and  
D/o. Late A. Sreekantan Nair,  
residing at “TAKSHILA”  
15B/32, Mahakali Caves Road,  
Andheri East, Mumbai – 400 093.

2. Mr. Achuthan S. Nair,  
S/o. Late A. Sreekantan Nair,  
Residing at  
B-405, Nandish Park,  
No.18, 19<sup>th</sup> Cross,  
Near J.P. Park, Muthyala Nagar,  
Bangalore North, Bangalore,  
Karnataka

... Respondent(s)



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**PRAYER:** Original Petition is filed under Section 222 and 276 of the Indian Succession Act 1925 and under Order XXV Rule 4 of Madras High Court Original Side Rules for issuing Probate.

For petitioner(s) : Mr. K. V. Sundararajan

For respondent(s) : Mr. P. Manish

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### **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 19.04.1993 executed by the Testator ie. Late A. Sreekantan Nair, to have effect limited to the State of Tamil Nadu.

2. According to the petitioner, she is one of the daughter of the testator Late A. Sreekantan Nair, who has filed the main petition to probate the Will. The Testator ie. A. Sreekantan Nair purchased the suit schedule property by way of Sale Deed dated 26.03.1981 and construction Agreement dated  
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26.03.1981. The said A.Sreekantan Nair died on 05.10.1994 leaving behind his wife and one son and three daughters as his legal heirs.

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2.1 One of the daughter of the Testator ie. Ammu Gita Shiva Subramanian @ Ammu Gita Sudhakar died on 20.02.2010 leaving behind her husband namely, Mr. Shiva Subramanian @ Sudhakar and they did not have any children. The Testator Mr. Sreekantan Nair died on 05.10.1994. During his life time, he has executed a registered Will dated 19.04.1993 bequeathing his property in favour of the petitioner. However, he had given life interest to his wife to reside in the suit schedule property till her life time and later on the said property shall absolutely vest with the petitioner.

2.3 The petitioner recently came to know the execution of the Will dated 19.04.1993 and hence, she has filed the present petition praying to probate the said Will. The market value of the schedule mentioned property would not exceed Rs.1,50,00,000/-. The testator had appointed the petitioner as the executor of the Will and she is the beneficiary of the said Will.

3. After filing the present petition, this Court directed the petitioner to effect paper publication with regard to the Will and the same was effected.

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All the legal heirs of the deceased are impleaded as parties in the petition and

there are no other next of kin to the testator to be impleaded. Further, the

respondents have no objection to grant probate in favour of the petitioner.

Thereafter, evidence has been recorded in this case. The 1st attesting witness

in the Will is no more. The petitioner was examined as P.W.1 and the 2nd

attesting witness to the Will was examined as P.W.2. Both of them deposed in

their evidence about the execution of the Will.

4. The amount of assets which is likely to come to the petitioner's hand does not exceed in the aggregate sum of Rs.1,50,00,000/-. The petitioner had undertaken to duly administer the specified property and credits of the deceased in any way concerned his 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 petitioner and also to render to this Court a true account of the said property within one year from the said date.

5. In order to prove the claim of the petitioner PW1 and PW2 were examined on the side of the petitioner and Ex.P.1 to Ex.P.9 were marked.

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6. PW1, the petitioner herein, in her evidence had narrated the averments made in the petition stating that she has filed this petition for grant of Probate of the Last Will and Testament executed by the deceased Late A. Sreekantan Nair on 19.04.1993. The said Will and testament has been marked as 'Ex.P.3'. PW2, in his evidence, had stated that the testator had executed a Will dated 19.04.1993 in his presence and in the presence of one Mr. M.R. Ananthakrishnan. He further categorically deposed that the Testator was in a sound state of mind and in good health at the time of execution of the Ex.P3 -Will and the Testator signed the Ex.P3-Will in his presence and Mr.M.R. Ananthakrishnan. At request of the Testator, he signed as 2<sup>nd</sup> attesting Witness and Mr. M.R. Ananthakrishnan signed as the 1<sup>st</sup> attesting witness to Ex.P3 Will who is no more. He has also identified the signature of the testator in the Will. Therefore, the execution of the Will and attestation are duly proved in accordance with law.

7. From the averments made in the petition and the depositions of PW1 and PW2 supported by the documents which has been marked as Ex.P1 to Ex.P9, it is clear that the petitioner has proved her claim and there is no contra evidence. Hence, this Court is satisfied that the petitioner is entitled to the relief as prayed for in the petition.

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8. In the result, the Original Petition is *allowed* and the Will executed by Late A. Sreekantan Nair dated 19.04.1993 is hereby probated.

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

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**APPENDIX:**

**List of Petitioner side Witnesses:**

PW1 : Mrs. Rema Sreedharan  
PW2 : Mr.R. Karunanithi

**List of Petitioner side Documents:**

| Exhibit No. | Description of Documents.                                                                                        |
|-------------|------------------------------------------------------------------------------------------------------------------|
| Ex.P.1      | The Photocopy of the Sale Deed dated 26.03.1981 executed in favour of Mr. A. Sreekantan Nair                     |
| Ex.P.2      | The Photocopy of the agreement dated 26.03.1981 entered into between Mr.A. Sreekantan Nair and Mr. S. Sambasivan |
| Ex.P.3      | Original registered Will and Testament dated 19.04.1993 executed by Mr. A. Sreekantan Nair                       |
| Ex.P.4      | Computer generated death certificate of Mr. A. Sreekantan Nair.                                                  |
| Ex.P.5      | The Photocopy of the death certificate of Mrs. Ammu Gita Shiva Subramanian.                                      |
| Ex.P.6      | The Computer generated death certificate of Mrs. Lalitha Sreekantan.                                             |
| Ex.P.7      | The Computer generated Legal Heirship certificate of Mr. Sreekantan                                              |
| Ex.P.8      | The Affidavit under Section 63(4) (C ) of BSA                                                                    |
| Ex.P.9      | The Affidavit of assets showing the net value of estate as Rs.1,50,00,000/-                                      |

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