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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. 378 of 2025 and Appln.No.4224 of 2026

CNR: {HCMA010856732025}

K.Rajamannar
S/o. Kondareddy,
No.2, Thiru.V.Ka. Street, Kamaraj Nagar,
Moorthi Nagar, Avadi,
Chennai 600 071.

..Petitioner(s)

Vs

1. R.Srinivasan and another
   S/o. Rajamannar,
   No.38, Maddox Street,
   Choolai, Chennai 600 112.
2. R.Saravana Kumar
   S/o. K.Rajamannar,
   No.2, Thiru. V.Ka. Street, Kamaraj Nagar,
   Moorthi Nagar, Avadi,
   Chennai 600 071.

..Respondent(s)

That the petitioner may be allowed to prove the Will in common form and that probate thereof, to have effect throughout the Tamil Nadu may be granted to him. Gross amount of Rs.70,00,000/- and Net Amount of Rs.70,00,000/- Suc.duty of Rs.25,000/- paid on 30.07.2025 by e-C/F D.No.30141/2025.

For Petitioner(s): Mr..S.R.Hemkumar
D.Selvakumar

For Respondent(s): R.1 & R.2 served

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ORDER

The petition has been filed for grant of Probate of the Last Will and Testament of Amsaveni, who died on 12.10.2018 leaving behind registered Will dated 13.12.2007. The said Will was attested by two witnesses, one of whom. died on 25.02.2013. The surviving attesting witness by name K.Govindasamy has filed his affidavit of attesting witness in support of the execution and attestation of the Will.

2. The petitioner has been appointed as sole executor under the Will dated 13.12.2007. As already indicated, the Will is also a registered instrument before the District Registrar, Chennai North, in Document NO.93 of 2007 in Book – III. The original registered Will is also filed along with the Original Petition. The original death certificate of the deceased Amsaveni has also been filed along with the original petition. The legalheirship certificate of Amsaveni ,testatrix dated 29.01.2022 is also filed along with the original petition.

3. In fact, the petitioner has filed his proof affidavit before the Master. However, since certain objections taken with regard to the production of sale deed standing in the name of the deceased testatrix, the petitioner has now taken out an application for directions in Application N.4224 of 2026.

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4. I do not see any necessity for the petitioner as executor, to exhibit the original sale deed which is standing in the name of the deceased testatrix. Hence, Application No.4224 of 2026 is dismissed as unnecessary.

5. From the available documents and the petition averments, I am satisfied that the deceased Amsaveni died leaving behind the testamentary instrument which is a registered Will dated 13.12.2007. One of the attesting witnesses has filed his affidavit of attesting witness, along with the original petition.

6. I have gone through the affidavit. The affidavit complies with the mandate of Section 63(c) of the Succession Act read with 67 of the BNS 2023 (Section 68 of the Evidence Act, 1872). The petitioner is entitled to grant of probate.

7. The second respondent has filed his consent affidavit. The first respondent, despite service of notice has neither come forward to object nor give any consent. As on date, there is no impediment for this Court to grant probate in favour of the petitioner.

8. This Original Petition is ordered as prayed for and the Registry is

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directed to issue probate with the Will dated 13.12.2007 annexed.

P.B.BALAJI, J.

SR

9. The original sale deed which is filed along with Application No.4224 of 2026 is returned to the learned counsel for the petitioner, since Application NO.4224 of2026 is dismissed as unnecessary.

30-10-2026

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

SR

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