



WEB COPY

OP No. 328 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-02-2026

CORAM

THE HON'BLE MR.JUSTICE P. DHANABAL

OP No. 328 of 2025

1. Kripesh Krishnadas S/o. Krishnadas,
2. Shafeya Nizam @ Vinitha Krishnadas
W/o. Nizam,

..Petitioner(s)

Vs

Minitha Stephen W/o. Stephen,

..Respondent(s)

PRAYER: The Original Petition has been filed under Sections 222 and 276 of the Indian Succession Act read with Order XXV Rule 4 of the Original Side Rules praying that they may be allowed to prove the Will in common form and that the probate thereof, to have effect throughout the State of Tamil Nadu and limited to the properties mentioned in the Affidavit of Assets.

For Petitioner(s):

Ms. R.Priyanka

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 14.03.2018 executed by late Mrs. Johanna Chandra Krishnadas to have effect limited to the State of Tamil Nadu.



2. According to the petitioners, they and the respondent are the son and daughters of one Krishnadas and Johanna Chandra. The mother of the petitioners namely Johanna Chandra Krishnadas died on 09.08.2018. The parents of the said deceased Johanna Chandra Krishnadas predeceased her and the husband of the deceased, who is the father of the petitioners, died on 10.01.2001. The deceased Mrs. Johanna Chandra Krishnadas, during her lifetime, has possessed some movable and immovable properties and she had executed a Will and Testament dated 14.03.2018 in the presence of two witnesses and as per the said Will, the 1st petitioner is the Executor of the Will. The respondent is the sister of the petitioners. There is no other next of kin or interested persons to be impleaded in this petition. Therefore, the petitioners have filed this petition to probate the Will in respect of the immovable properties.

3. The amount of assets which is likely to come into the hands of the petitioners does not exceed in aggregate the sum of Rs.45,00,000/-. The petitioners 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.



4. PW1 and PW2 were examined on the side of the petitioner and Ex.P.1 to Ex.P.9 were marked. The 2nd petitioner herein was examined as PW1, and she 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 Johanna Chandra Krishnadas on 14.03.2018. One Mrs. J. Mathumathi, who is one of the attesting witnesses in the Will, has been examined as PW2. In her evidence, she had stated that the testatrix was in sound state of mind while executing the Will. She has signed as second attesting witness to Ex.P.1 Will. The petitioner side witnesses not only proved the execution but also the attestation of the Will and there is no other material to suspect the Will.

5. From the averments made in the petition and the depositions of PW1 and PW2 supported by the documents, it is clear that the petitioners have proved their 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 Johanna Chandra Krishnadas dated 14.03.2018 is hereby probated.

17-02-2026

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

MJS

**APPENDIX:****List of Petitioner side Witnesses:**

PW1 : Mrs. Shafeya Nizam @ Vinitha Krishnadas
PW2 : Mrs. J. Mathumathi

List of Petitioner side Documents:

Exhibit No.	Date	Description of Documents.
Ex.P.1	14.03.2018	Original Will executed by Mrs. Johanna Chandra Krishnadas.
Ex.P.2	-	Computer generated Death Certificate of Mr. Krishnadas.
Ex.P.3	-	Computer generated Death Certificate of Mrs. Johanna Chandra Krishnadas.
Ex.P.4	-	Computer generated Legal Heirship Certificate of Mr. Johanna Chandra Krishnadas.
Ex.P.5	25.08.1998	Photocopy of Sale Deed.
Ex.P.6	06.03.2023	Photocopy of the Page No.334 of Tamil Nadu Government Gazette.
Ex.P.7	07.04.2005	Photocopy of the Page No.335 of Tamil Nadu Government Gazette.
Ex.P.8.	-	Certificate under Section 63 (4)(c) of B.S.A. for electronic documents.
Ex.P.9	-	Photocopy of PW2's Aadhar Card.

17-02-2026



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