



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-01-2026

CORAM

THE HON'BLE MR.JUSTICE P. DHANABAL

OP No. 458 of 2025

Sathiyaprabhu
S/o Balasubramaniam,
1/58, VOC Colony, Anna Nagar East,
Chennai - 600 102.

..Petitioner

Vs

1. B.Ganambal
W/o Balasubramaniam
2. B.Dayalaprabhu
S/o Balasubramaniam
3. Sarida Devi B
W/o Naresh Kumar K.
D/o Balasubramaniam

..Respondents

Prayer: Petition filed under Sections 222 and 276 of Indian Succession Act and under Order XXV, Rule 4 of the Original Side Rules to allow the petitioner to prove the Will in Common Form and that Probate thereof, to have effect throughout the State of Tamilnadu.

For Petitioner: Mr.M.Vijayanand

For Respondents: Ms.K.Suvedha

ORDER

This petition has been filed under Sections 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 30.01.2002 executed by Late P. Bakthavatchala Rao to have effect limited to the State of Tamil Nadu.

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2. According to the petitioner, originally, the property belong to one Lakshmi and she married one Manickam and out of the wedlock, one son, namely, Balasubramaniam was born and thereafter, in the year 1975 the said Lakshmi remarried one Dakshinamoorthy and he also adopted the son, viz., Balasubramaniam born to the said Lakshmi through her husband, namely, Manickam. The said Lakshmi died intestate on 25.03.1989 leaving behind her son and husband as her legal heirs and the said Balasubramaniam also died intestate on 16.10.2009 leaving behind his wife, two sons and one daughter as his legal heirs. During his life time, the said Dakshinamoorthy executed a Will dated 20.12.2019 by bequeathing the property in favour of his daughter-in law, viz., 1st respondent herein for her life time and thereafter, the property would devolve to his grand sons and daughter, namely, the respondents 2 and 3 herein. The said Dakshinamoorthy appointed his grand son, Sathiyaprabhu, petitioner, as the executor of the Will, therefore, the petitioner has filed this petition for grant of Probate.

3. After filing this petition, notice was ordered and Ms.K.Suvedha, learned counsel appears for the respondents.

4. The amount of assets which is likely to come to the petitioner's hand does not exceed in the aggregate sum of Rs.80,00,000/-. 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 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 Will, on the side of the petitioner, he examined PW1 to P.W.3 and Ex.P.1 to Ex.P.11 were marked. P.W.1 is the petitioner and P.Ws.2 and 3 are the attesting witnesses to the Will.

6. On a careful perusal of the evidence of P.W.1 to P.W.3 and Exhibits P.1 to P.11, they reveal that the property belong to deceased Dakshinamoorthy and he executed a Will dated 20.12.2019 and the petitioner is the executor of the Will. P.Ws.2 and 3 are attesting witnesses of the Will and they deposed about the execution and attestation of the Will, thereby the petitioner proved the Will in accordance with Law. Therefore, it is appropriate to allow this Petition.

In the result, the Original Petition is **allowed** and the Will executed by **Late T. K.Dakshinamoorthy dated 20.12.2019** is hereby probated.

05.01.2026

Index : Yes/No
Speaking Order : Yes/No
ssd

APPENDIX:

List of Petitioner side Witnesses:

PW1 : Mr.Sathiyaprabhu
PW2 : Mr.P.Ellappan
PW3 : Mr.C.Dhanasekar



List of Petitioner side Documents:

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Exhibit No.	Date	Description of Documents.
Ex.P.1	20.12.2019	Original Will and Testament executed by Mr.K.Dakshinamoorthy
Ex.P.2	-	Computer generated death certificate of Mr.k.Dakshinamoorthy
Ex.P.3	-	Photocopy of the death certificate of Mrs.Lakshmi
Ex.P.4	-	Computer generated death certificate of Mr.M.Balasubramaniam
Ex.P.5	-	Computer generated legal heirship certificate of Mr.M.Balasubramaniam
Ex.P.6	-	Photocopy of the property tax demand card stands in the name of Mr.K.Dakshinamoorthy
Ex.P.7	-	Photocopy of the water and sewerage-cum-water charges / sewerage charges card in the name of Mr.Dakshinamoorthy
Ex.P.8	-	Certificate under Section 63 of BSA for electronic documents
Ex.P.9	-	Affidavit of assets showing the net value of estate of Rs.80,00,000/-
Ex.P.10	-	Photocopy of Aadhaar card of Mr.Ellappan
Ex.P.11	-	Photocopy of Aadhar card of Mr.C.Dhanasekar

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P.DHANABAL J.,

ssd

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