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O.P. No. 441 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 08.06.2026
PRONOUNCED ON : 25.06.2026

CORAM

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

O.P. No. 441 of 2025

Sri Raghavendraswamy Brindavanam Committee
Duly registered under the Tamil Nadu Societies Act,
1975, (Registration No.108 of 1973 on 05.10.2009)
Represented by its Secretary Sri S.Anandan, M/80
years, son of late Sethu Rao, No.133C, Sundaram
Street, Chinmaya Nagar Stage-I, Virugambakkam,
Chennai – 600 092.

..Petitioner(s)

Vs

Nil

..Respondent(s)

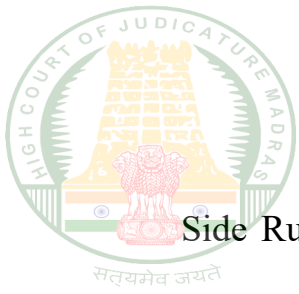
PRAYER: To permit the petitioner to prove the Will in common form and that probate thereof to have effect limited to the state of Tamil Nadu may be granted to the petitioner.

For Petitioner(s): Mr.N.Elayaraja.

For Respondent(s): Nil

ORDER

This Original Petition has been filed under Sections 222 and 276 of the Indian Succession Act, 1925, read with Order XXV Rule 4 of the Original

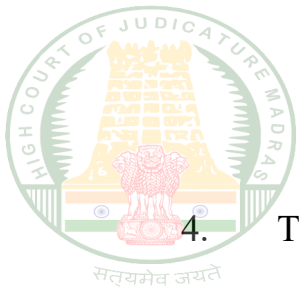


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Side Rules, seeking grant of probate in respect of the registered Will dated 15.03.2021 executed by late R. Indrabai, to have effect limited to the State of Tamil Nadu.

2. The petitioner is Sri Raghavendraswamy Brindavanam Committee, represented by its Secretary, S. Anandan. The said S. Anandan is named as the executor under the Will. The deceased R. Indrabai, wife of late K. Ramachandra Rao, ordinarily resided at Plot No.18, Door No.10/22, Sri Ramar Street, Devaraj Nagar, Saligramam, Chennai - 600 093 and died on 08.03.2025 at the said address, which is within the jurisdiction of this Court.

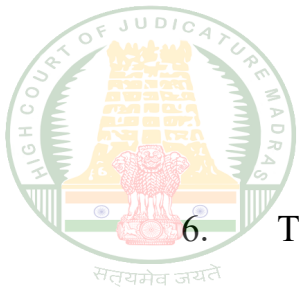
3. The petitioner states that the deceased was possessed of an immovable property consisting of land and building bearing Plot No.18, Door No.10/22, Sri Ramar Street, Devaraj Nagar, Saligramam, Chennai - 600 093, measuring 1 ground and 1740 sq.ft., comprised in Survey No.71, part of Saligramam Village, within the South Chennai Registration District and Virugambakkam Sub-Registration District. The gross and net value of the estate has been shown as Rs.2,04,93,000/-.



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4. The case of the petitioner is that the property originally belonged to the husband of the deceased, namely K. Ramachandra Rao, who purchased the same under the registered sale deed dated 09.01.1967 bearing Document No.54 of 1967 on the file of the Sub Registrar Office, Thyagaraya Nagar. He thereafter put up a small dwelling house after obtaining sanction in B.A.No.78/77-78 dated 09.01.1978 and approved plan in proceedings D.Dis.No.2896/77 dated 09.01.1978. K. Ramachandra Rao died intestate on 15.03.2008. The legal heirship certificate dated 13.08.2008 shows the deceased R. Indrabai as his sole surviving legal heir. The petitioner therefore states that R. Indrabai became the absolute owner of the said property and continued to be in possession and enjoyment of the same.

5. It is further stated that the deceased and her husband were ardent devotees of Sri Raghavendra Swamy and were regular visitors to Sri Raghavendraswamy Brindavanam situated at Sri Ramar Street, Devaraj Nagar, Saligramam, Chennai. Since they had no children and since the deceased was living alone after the demise of her husband, she desired to bequeath the property to the petitioner Committee for religious, charitable and spiritual purposes connected with the Brindavanam.



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6. The Will dated 15.03.2021 is a registered Will bearing Document No.04 of 2021, Book No.3, on the file of the Sub Registrar, Joint-II, Saidapet.

Under the said Will, the deceased revoked all former Wills and codicils, declared that she was in good health and possessed a sound mind, and bequeathed the schedule property to Sri Raghavendraswamy Brindavanam Committee for its absolute enjoyment, management, benefit and development after her lifetime. S. Anandan, Secretary of the Committee, was appointed as the executor under the Will.

7. The petitioner also states that after the death of the testatrix, the Committee resolved to accept the bequest and authorised S. Anandan to initiate probate proceedings. It is stated that no other application for probate or letters of administration in respect of the estate of the deceased has been made before any other Court.

8. The petitioner examined S. Anandan as P.W.1. He marked Ex.P1 to Ex.P19, namely the sale deed dated 09.01.1967, property tax receipt, death certificate of K. Ramachandra Rao, legal heirship certificate of K. Ramachandra Rao, registration certificate of the petitioner Committee, original Will dated 15.03.2021, death certificate of R. Indrabai, electricity bill



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receipt, extract from the permanent land register, income tax card of the Committee, Board resolution, authorisation letter, encumbrance certificates, affidavit of assets and his Aadhaar card. Through his evidence, the petitioner has spoken about the ownership of the deceased, the execution of the Will, the bequest in favour of the Committee and his appointment as executor.

9. T.R. Srinivasamurthy, the second attesting witness to Ex.P6 Will, was examined as P.W.2. He deposed that he knew R. Indrabai as she used to visit Sri Raghavendra Temple, that she executed Ex.P6 Will on 15.03.2021 in his presence and in the presence of V. Devakumaran, that she was in a sound state of mind and in good health at the time of execution, that she signed the Will in their presence, and that he signed as the second attesting witness at her request. He also stated that he was one of the identifying witnesses at the time of registration of the Will before the Joint-II Sub Registrar Office, Saidapet. His Aadhaar card was marked as Ex.P20.

10. V. Devakumaran, the first attesting witness to Ex.P6 Will, was examined as P.W.3. He deposed that he knew R. Indrabai as he was residing in the neighbourhood street and as she used to visit Sri Raghavendra Temple. He stated that R. Indrabai executed Ex.P6 Will on 15.03.2021 in his presence

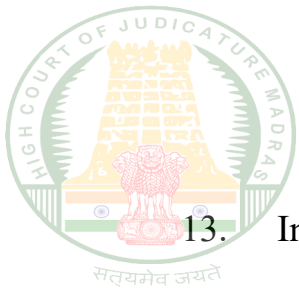


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and in the presence of T.R. Srinivasamurthy, that she was in a sound state of mind and in good health, that she signed the Will in their presence, and that he signed as the first attesting witness at her request. He also stated that he was one of the identifying witnesses at the time of registration of the Will before the Joint-II Sub Registrar Office, Saidapet. His Aadhaar card was marked as Ex.P21.

11. By order dated 21.04.2026, this Court noticed that the next of kin of the deceased, who would have inherited the estate in the absence of the Will and who would therefore have caveatable interest, had not been served with notice as required under Order XXV Rule 31 of the Original Side Rules. Time was granted for filing clarification/written submissions.

12. Thereafter, the petitioner has filed written submissions dated 08.06.2026 stating that diligent enquiries were made and that the deceased did not leave behind any surviving spouse, children, parents, Class-II legal heirs, collateral relatives or other identifiable next of kin. A confirmation certificate issued by the petitioner Committee has also been filed stating that no person has claimed any right, title, interest, succession or inheritance in respect of the estate of the deceased.



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13. In view of the above clarification, this Court records that there are no identifiable or traceable next of kin on whom notice can be served. No caveat has been entered and no objection has been received from any person opposing the grant.

14. The Will is a registered document. The evidence of P.W.2 and P.W.3, who are the attesting witnesses, establishes that the testatrix signed the Will in their presence, that both attesting witnesses signed the Will in the presence of the testatrix and in the presence of each other, and that the testatrix was in a sound and disposing state of mind at the time of execution. The statutory requirements for proof of execution and attestation of the Will are therefore satisfied.

15. Accordingly, O.P.No.441 of 2025 is allowed. Probate of the Will dated 15.03.2021 executed by late R. Indrabai shall be granted in favour of the petitioner, to have effect limited to the State of Tamil Nadu. No order as to costs.

25-06-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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List of witnesses examined on the side of the petitioner:

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PW1 – S.Anandan

PW2 – T.R.Srinivasamurthy

PW3 – V.Devakumaran.

List of documents marked on the side of the petitioner:

Ex.P.1 is the photocopy of the sale deed dated 09.01.1967 executed by R.M.C.Traders along with the certified copy of the same (compared with the original)

Ex.P.2 is the downloaded copy of Property Tax Receipt dated 09.06.2025 bearing No.0719202 standing in the name of R.Indra Bai along with the certificate under section 63(4) of BSA.

Ex.P.3 is the computer generated death certificate of Mr.K.Ramachandra Rao along with the certificate under section 63(4) of BSA.

Ex.P.4 is the original legal heirship certificate of Mr.K.Ramachandra Rao

Ex.P.5 is the photocopy of the certificate of Registration of Society (compared with the original)

Ex.P.6 is the Original Will dated 15.03.2021 executed by R.Indrabai.

Ex.P.7 is the computer generated death certificate of R.Indra Bai along with the certificate under section 63(4) of BSA.

Ex.P.8 is the original Electricity Bill Receipt dated 28.04.2025 bearing No.09-278-053-29 standing in the name of R.Indra Bai

Ex.P.9 is the downloaded copy of the extract from the permanent land registrar.

Ex.P.10 is the photocopy of the Income Tax Card of Sri Raghavendraswamy Brindavanam Committee (compared with the original)

Ex.P.11 is the Board resolution passed by Sri Raghavendraswamy Brindavanam Committee.

Ex.P.12 is the Authorisation letter by Sri Raghavendraswamy Brindavanam Committee.

Ex.P.13 is the photocopy of encumbrance certificate bearing No.602 of 2016 (compared with the original)



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Ex.P.14 is the photocopy of encumbrance certificate bearing No.1217 of 2016 (compared with the original)

Ex.P.15 is the photocopy of encumbrance certificate bearing No.1217 of 2016 (compared with the original)

Ex.P.16 is the photocopy of encumbrance certificate bearing No.5367 of 2016 (compared with the original)

Ex.P.17 is the downloaded copy of encumbrance certificate bearing No.153420638 of 2025 along with the certificate under Section 63 (4) of BSA.

Ex.P.18 is the affidavit of assets showing the net value of the estate sum of Rs.2,04,93,000/-

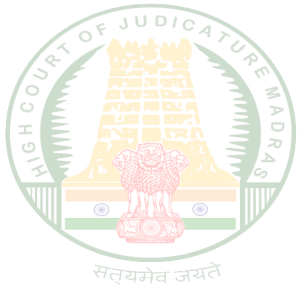
Ex.P.19 is the photocopy of the Aadhaar card of Anandan S. (compared with the original).

Ex.P.20 is the photocopy of my Aadhaar card (compared with the original).

Ex.P.21 is the photocopy of my Aadhaar card (compared with the original).

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DR.A.D.MARIA CLETE, J.

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