



IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 10.02.2026

PRONOUNCED ON : 17.04.2026

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THE HON'BLE MR JUSTICE C.V. KARTHIKEYAN**AND****THE HON'BLE MR JUSTICE K. KUMARESH BABU****OSA No. 214 of 2024****AND****CMP Nos.23780 of 2024 and 3214 of 2025**

G. Premkumar

..Appellant(s)

Vs

Rama Mohana Rao

..Respondent(s)

This appeal filed under Clause 15 of the Letters of Patent read with Order XXXVI Rule 9 of the Original side Rules of the Madras High Court, to set aside the Judgement and decree of this Court dated 16.08.2024 in T.O.S.No.21 of 2020.

For Appellant(s): Mr.G.Vijayanand

For Respondent(s): Mr.T.Karunakaran



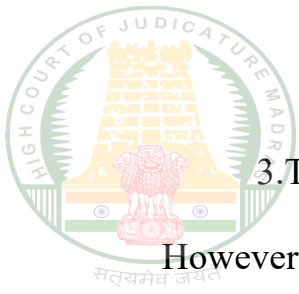
JUDGMENT

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(Judgment of the Court was delivered by C.V.Karthikeyan J.)

The defendant in T.O.S.No.21 of 2024 on the file of the Original Side of this Court aggrieved by the judgment and decree dated 16.08.2024 passed by a learned Single Judge of this Court is the appellant herein.

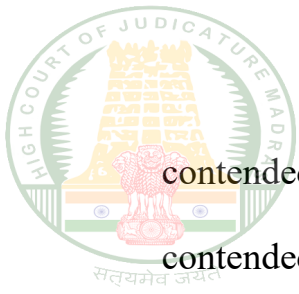
2.The respondent herein, Rama Mohana Rao in his status as Executor of the last Will and testament of G.Sarojini had filed O.P.No.648 of 2019 for grant of probate of the Will dated 09.02.1996, said to have been executed by the testatrix, G.Sarojini. The respondents in the Original Petition, G.Premkumar, G.Jawahar and G.Rajkumar were sons of late G.V.N.Rayudu and the testatrix of G.Sarojini. G.V.N.Rayudu died on 17.03.1992. G.Sarojini died on 26.07.2016. It was claimed in the Original Petition that she had executed a Will on 09.02.1996 in the presence of two witnesses G.Narayanan and N.Sivaprasad. By the Will, she had bequeathed the property at Plot No.315, Corporation Door No.3 and Present Door No.5/3, 1st Canal Cross Street, Gandhi Nagar, Adyar, Chennai – 600 020 to the 2nd respondent G.Jawahar. It was also stated in the Will that she was bequeathing her movable properties also in favour of her second son Jawahar. She had given the reason that she was living with him and he was taking of her while the other two sons were in USA.



3. The 3rd respondent G.Rajkumar did not contest the grant of probate.

However, the 1st respondent G.Premkumar filed an objection affidavit, consequent to which O.P.No.648 of 2019 was converted as T.O.S.No.21 of 2020.

4. G.Premkumar, who was now categorized as defendant filed his written statement. He contended that the testatrix G.Sarojini was said to have purchased the property bequeathed by her on 29.07.1974 by sale deed registered as Document No.168 of 1974 but that in the recitals of the sale deed it had not been specified that the property had been purchased out of her self-earned income. It was his contention that G.V.N.Rayadu was gainfully employed in IIT Madras as a professor and earning Rs.10,000/- per month in 1992 when he died on 17.03.1992 while in service. G.Sarojini had studied up to 7th grade and was a house wife. It was further contended that the property had been purchased only out of the earning of G.V.N.Rayadu. It was further stated in the written statement that the Will was not executed in the presence of the witnesses as stated. It was further stated that there was no reason to exclude him and his other brother from inheriting the property and bequeathing the property only to one son. It was further contended that he alone had taken care of their father G.V.N.Rayadu who had suffered an accident in February 1992 and been admitted in Apollo Hospital, Chennai and subsequently died on 17.03.1992. He had performed the last rites and ceremonies of his father. It was therefore



contended that the Will was false and fabricated and suspicious. It was further contended that the statement he and other brothers were earning huge sums of money was also false. At the time of execution of the Will on 09.02.1996 he was pursuing his studies in USA. He claimed that he was entitled to an undivided 1/3rd share in the property. He further stated that the legatee G.Jawahar had taken advantage of his proximity with the testatrix and manipulated and coerced and unduly influenced her and obtained the Will in a fraudulent manner excluding his other two brothers. It was therefore contended that the suit should be dismissed.

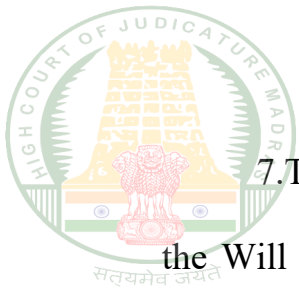
5. On the basis of the said pleadings, the following issues were framed:

“1. Whether the Will dated 09.02.1996 is true and valid?

2. Whether the testator (testatrix) was in disposing state of mind at the time of execution of the Will?

3. Whether plaintiff is entitled to letters of administration (grant of probate) as prayed for?”

6. During trial, the plaintiff examined himself as PW-1 and also examined Sridhar Narayanan one of the attesting witness as PW-2 and N.Sivaprasad the other attesting witness as PW-3 and G.Rajkumar, the third son of G.Sarojini as PW-4.



7.The plaintiff also marked Exs.P1 to P32. Ex.P1 dated 09.02.1996 was the Will of Sarojini. Exs.P6 and P7 were consent affidavits of G.Jawahar and G.Rajkumar. Ex.P9 was the Death Certificate of T.Narayanan, one of the attestors. Ex.P11 was the affidavit of T.Narayanan who died after the filing of the Original Petition. Exs.P12 and P13 were the signatures of T.Narayanan and N.Sivaprasad in the Will. Ex.P19 and P20 were electronic mails exchanged between G.Premkumar and G.Rajkumar. Exs.P25, P26, P27, P28 and P29 were also printouts of electronic mail exchanged among the three brothers.

8.The defendant G.Premkumar examined himself as DW-1. He did not mark any document.

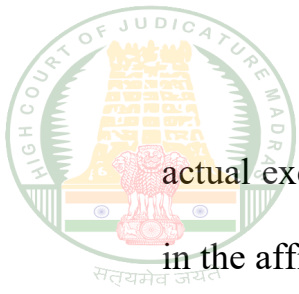
9.On the basis of the pleadings and the oral and documentary evidence adduced, the learned Single Judge noted that by examining PW-1, the executor under the Will, and by examining PW-2, the son of one of the attesting witness and by examining PW-3, the other attesting witness, the Will had been duly proved before the Court. It was also noted that PW-1, the executor had stated that he was a good friend of the family of the testatrix and that the testatrix also took his consent before appointing him as an executor. He also stated that subsequent to the execution of the Will, he was informed about its execution by the testatrix herself. The learned Single Judge further noted that PW-2 identified the signature of his father T.Narayanan in the Will and the signature was



marked as Ex.P12. The second attesting witness N.Sivaprasad was examined as PW-3 and he deposed that the testatrix informed him that she had executed the Will giving the property to G.Jawahar and had requested him to sign as the second attesting witness. He identified his signature and the other signatures in the Will. He further deposed that he and G.V.N.Rayudu were colleagues in IIT Madras and good friends. He further deposed that he signed the Will before the testatrix and that she was in a sound and disposing state of mind at the time of execution of the Will.

10.The learned Single Judge also addressed the arguments advanced on behalf of the defendant / appellant herein that the evidence of PW-3 was contrary to the affidavit of the other attesting witness, which had been marked as Ex.P11, by observing that the Original Side Rules prescribed a specific form for the affidavits of the attesting witnesses and that the affidavit of T.Narayanan had been prepared in accordance with Form No.56 appended to the Original Side Rules of the Madras High Court.

11.It was further observed that the documents are legal documents and prepared inconformity with the said Form No.56. With respect to the evidence that T.Narayanan had signed the Will in the presence of the testatrix and not in the present of the second attesting witness, the learned Single Judge had observed that T.Narayanan did not survive to give evidence or to clarify the



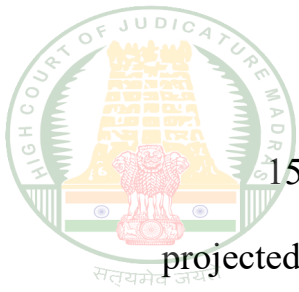
actual execution of the Will and whether it was in the manner projected by him in the affidavit of attesting witness or in the manner spoken by PW-3.

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12.The learned Single Judge further held that Section 63(c) of the Indian Succession Act, 1925 only requires a Will to be attested by two or more witnesses and that each of them should have seen the testator sign or put his mark on the Will and that the Will should have been signed by the witnesses in the presence of the testator. The provision also makes it clear that it was not necessary that more than one witness should be present at the same time. It was further observed that there was no particular form of attestation.

13.The learned Single Judge further addressed the argument that the testatrix had not signed the first page of the Will and held that this was not an invalidating circumstance. The Will had been typed back to back in a single sheet of paper and therefore the absence of the signature in the front page would not render the will invalid. It was also observed that it was not the case of the defendant that the contents of the first page have been interpolated or changed.

14.The learned Single Judge therefore held that the Will had been duly executed and attested in accordance with the law.



15. The learned Single Judge then examined the suspicious circumstances projected by the defendant that there was no disclosure of other sons. It was held that this cannot be considered as a suspicious circumstance. It was further observed that the testatrix had mentioned that she had three sons. The fact that there was a factual error with respect to the age of the testatrix and the statement that the other sons were earning huge sums of money was incorrect was also held to be insignificant. With respect to the date of the Will and the allegation that there were some overwritings, the learned Single Judge observed that there was no overwritings as claimed by the defendant. With respect to the allegation that the scribe was not examined, the learned Single Judge held that there was no necessity for the scribe to be examined. The law only requires that one of the attesting witnesses must be examined.

16. A further allegation has been raised that there was delay in filing the application seeking probate. It was observed that the Will came to light only after the locker in the name of the testatrix was opened in the presence of all the three sons. This fact was also spoken about by PW-4 and was also not disputed by the defendant when he tendered evidence as DW-1.

17. Finally, with respect to the contention that the *jurat* portion was wrong, the learned Single Judge found that after the schedule mentioning property, the *jurat* had been given. It was held that the testatrix was in a sound



and disposing state of mind at the time of execution of the Will and that the objections raised were not significant to enough to hold that the Will had not been properly executed. On the basis of the aforementioned reasons, the learned Single Judge decreed the Testamentary Original Suit and granted probate as prayed for.

18.Challenging the said judgment, the defendant had filed the present appeal.

19.Heard Mr.G.Vijay Anand, learned counsel for the appellant and Mr.T.Karunakaran, learned counsel for the respondent.

20.Mr.G.Vijay Anand, learned counsel appearing for the appellant, took the Court through the Will and pointed out that, in the Will, the age of the testatrix had been wrongly given. He further contended that, it was further mentioned that the other two sons of the testatrix were in USA earning large sums of money, when as a fact the appellant was only studying in USA. He further pointed out that the names of the other two sons had not been mentioned in the Will. He further stated that the property which was bequeathed under the Will was not the self-acquired property of the testatrix, but purchased in her name from and out of the earnings of G.V.N.Rayudu, the father who was a professor in IIT Madras and earning Rs.10,000/- per month in the year 1992.



21. The learned counsel further pointed out that no substantial reason had been given for the testatrix to disinherit her other two sons and bequeath the entire property to the respondent. He contended that since the property had been purchased from the earnings of G.V.N.Rayudu, the testatrix had capacity to bequeath only 1/4th undivided share. He further contended that a perusal of the Will would show that it had been drafted by a legal person and pointed out that the testatrix had studied only up to 7th grade and was not well versed with law and procedure. He further pointed out that the Will had not been signed in the first page. He further pointed out that the date of the Will had been overwritten. He further argued that the Will had not been attested in accordance with the stipulations provided under Section 63(c) of the Indian Succession Act, 1925. He further pointed out that during trial PW-3 Sivaprasad was the only living attesting witness and he had very clearly stated that when he attested the Will, the first attesting witness was not present.

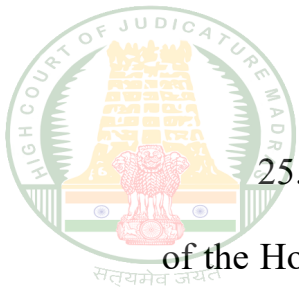
22. The learned counsel also pointed out that in the affidavit of the other attesting witness T.Narayanan, which had been marked as Ex.P11, he had stated that he attested the Will in the presence of PW-3 Sivaprasad. The learned counsel therefore pointed out that contradictory statements had been presented before the Court with respect to the manner of attesting the Will. It was pointed out that, it is evident that both the witnesses had not independently signed the Will and that the testatrix had also not independently signed the Will and that all



three of them had not signed in the presence of each other and therefore had not witnessed the signing of the Will by the testatrix or by each other. The learned counsel therefore argued that this would only indicate that there was no proper attestation of the Will and on that one ground itself, the Court should have decline to grant probate for the Will.

23.The learned counsel further pointed out the *jurat* portion, as found in the Will, which stated that both the attesting witnesses had signed in the presence of each other, whereas, in the evidence of PW-3 Sivaprasad, the attesting witness, it was clear that he did not sign in the presence of the other attesting witness, T.Narayanan who had already attested the Will. The learned counsel therefore stated that this Court should hold that the Will had not been properly attested and therefore had not been proved before this court.

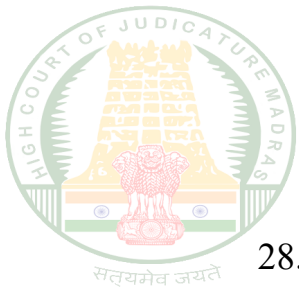
24.With respect to the age of the testatrix, the learned counsel stated that the testatrix was 57 years old at the time of execution of the Will and not 59 years, as stated in the Will. He also pointed out that the sole beneficiary G.Jawahar alone was living with the testatrix and alleged he had evidently exercised undue influence and coercion to execute the Will. The learned counsel stated that these suspicious circumstances are enough to warrant rejection of the Will.



25. In this connection, the learned counsel placed reliance on the judgment of the Hon'ble Supreme Court reported in **(2021) 14 SCC 500, Raj Kumari Vs. Surinder Pal Sharma**, wherein, the Hon'ble Supreme Court had held that evidence on the attestation of the Will are mandatory in nature and any failure and deficiency in adhering to the essential requirements would result in invalidation of the instrument.

26. The learned counsel further placed reliance on the judgment of the Hon'ble Supreme Court reported in **(1959) AIR SC 443, H.Venkatachala Iyengar Vs. B.N.Thimmajamma & others**, wherein, it had been held that when suspicious circumstances are raised, the obligation of the propounder was not merely to prove the execution of the will, but also to adduce evidence to remove the suspicious circumstances.

27. The learned counsel further placed reliance on the judgment of the Hon'ble Supreme Court reported in **AIR 1977 SC 74, Smt.Jaswant Kaur Vs. Smt.Amrit Kaur and Others**, wherein the Court had held that only when cogent and convincing explanation of the suspicious circumstances surrounding the making of the Will are given, the Will should be rejected. In that case, the Hon'ble Supreme Court had held that it was evident that the Will had been drafted by a lawyer but no evidence had been adduced as to who drafted the Will and who typed the Will. It did not reveal where it has executed.



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28.The learned counsel pointed out that this judgment of the Hon'ble Supreme Court was followed by this Court in the judgment reported in **2001 (2) CTC 744, S.Thirunavukkarasu Vs. B.Kandasuamy Reddy and Two Others**, wherein, it had been held that the evidence of the propounder of the Will should satisfy the conscience of the Court. In that particular case, it was found that the propounder was the sole beneficiary of the Will and that without his role the Will could not have come into existence.

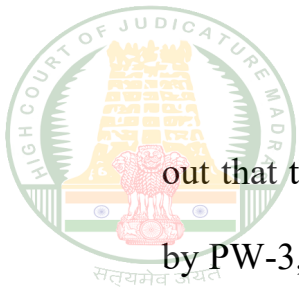
29.The learned counsel finally placed reliance on the judgment reported in **(2025) INSC 7, Lilian Coehlo and Others Vs. Myra Philomena Coalho**, wherein the Hon'ble Supreme Court had discussed valid execution and genuineness of the Will and had held that a finding should be given on the genuineness of the Will and also on whether the Will was validly executed. It was further held that, even it was found that it was properly executed, it would not indicate that it was genuine. It had been stated that the propounder should remove all suspicious circumstances to the satisfaction of the Court.

30.Placing his arguments on the above grounds, the learned counsel argued that the judgment of the learned Single Judge should be interfered with and should be set aside and the appeal should be allowed.



31. Mr. T. Karunakaran, learned counsel for the respondent, however, contested these contentions. The learned counsel pointed out that the Will had been executed in proper form and during the course of trial, the one available attesting witness had been examined to prove the execution of the Will and the son of the other attesting witness had also been examined. He pointed out that both the attesting witnesses had identified the signatures found in the Will and also the signature of the testatrix. The learned counsel stated that sufficient reasons had been given in the Will to disinherit the appellant and the other son of the testatrix. He pointed out that the other son Rajkumar had been examined as PW-4 and had not raised any suspicion about the execution of the Will and had also not stated that the Will was not genuine. He pointed out that it was a fact that at the time of execution of the Will, only the beneficiary under the Will was looking after the testatrix and her other two sons were in USA. He pointed out that the statement that they were earning huge sums of money cannot be construed as a statement to invalidate the Will.

32. With respect to the age of the testatrix, the learned counsel stated that it was extremely insignificant whether she was 59 years or 57 years and argued that on that one ground the Will need not be rejected. He also pointed out the beneficiary under Will had no role in the preparation of the Will. The execution of the Will had been proved by PW-2 and PW-3 and the attestation was also in accordance with Section 63(c) of the Indian Succession Act. He further pointed



out that the testatrix was in a sound and disposing state of mind as pointed out by PW-3, who was a good friend of G.V.N.Rayudu and also his colleague in IIT Madras and there was no ground to suspect his bonafide or his statements.

33.The learned counsel stated that no substantial grounds had been raised to point out that the Will was executed in a suspicious manner necessitating rejection of the Will. The testatrix had signed on the reverse page and not signing on the first page would not affect the genuinity of the Will. He pointed out that it was not the case of the appellant that there was interpolations in the first page of the Will. He also pointed out that the provision stipulates atleast one attesting witness to be present, at the time when the testatrix signs the Will and PW-3 had very clearly spoken about this particular fact. He also pointed out that the executor of the Will / the respondent was a close family friend and it was only natural that the testatrix appointed him as the executor of the Will, since she had complete confidence with him. He also pointed out that the Will was located in a safe locker, which was opened in the presence of all the three sons and thereafter, the petition had been filed seeking grant of probate of the Will.

34.The learned counsel argued that the grounds raised by the appellant does not warrant rejection of the Will. He stated that the learned Single Judge had correctly appreciated the facts and contended that the appeal should be dismissed.



35. We have carefully considered the arguments advanced and perused the material records.

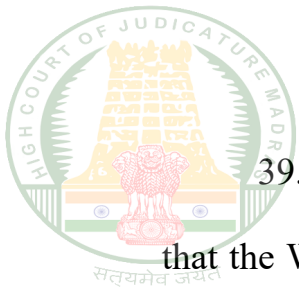
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36. The following issues arise for consideration:

- 1. Whether the execution of the Will marked as Ex.P1 had been proved during the course of trial.*
- 2. Whether the circumstances alleged by the appellant to be suspicious circumstances warrant invalidation of the Will?*

37. In view of the fact that the evidence adduced with respect to both the points overlapped, both the points are taken up for determination together.

38. O.P.No.648 of 2019 had been filed by the respondent Rama Mohana Rao seeking probate of a Will dated 09.02.1996 said to have been executed by G.Sarojini wife of G.V.N.Rayudu. They had three sons, G.Premkumar, G.Jawahar and G.Rajkumar. Under the Will she had bequeathed the property at Gandhi Nagar in Chennai to her second son G.Jawahar. Her third son G.Rajkumar had not raised any objection and during trial had been examined as PW-4 and affirmed execution of the Will. The first son, G.Premkumar had raised objections for grant of probate and on his objections the Original Petition was converted into a Testamentary and Original Suit and renumbered as TOS No.21 of 2020.



39. It is the contention of the appellant who was the defendant in the suit that the Will projected is surrounded with suspicious circumstances. According to him, the age of the testatrix was 57 years, while she had given it as 59 years in the Will. He further contended that though the sale deed of the property stood in her name, it was purchased out of the earnings of the father G.V.N.Rayudu who was a professor in IIT Madras and died unfortunately on 17.03.1992 owing to the injuries suffered in an accident. It was his contention that the father was earning Rs.10,000/- per month at the time of death. It was contended that from and out of those earnings the property had been purchased, and therefore, the testatrix can never claim to be the absolute owner of the property.

40. It was further contended that in the Will, the names of the three sons had not been given except the name of the legatee, G.Jawahar. It had been mentioned in the Will that the other two sons were in USA earning huge sums of money, which fact was not correct since the appellant was a student at that time. It was further contended that the reason given to bequeath the property only in favour of G.Jawahar raises suspicions since the Will had been executed within a short time of him returning back from USA. It was therefore contended that he had exerted influence and that the testatrix had signed the Will without being in a sound and disposing state of mind.

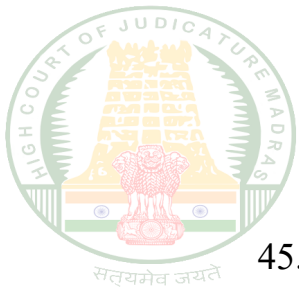


41. It had been further contended that the *jurat* portion stated that the Will had been signed by two attesting witnesses in the presence of each other and that they had seen the testatrix signing the Will. However, this was in direct contradiction to the evidence of PW-3 who had stated that when he signed the Will, the other attesting witness had not present. Pointing out all the above circumstances, it has been urged that this Court should set aside the judgment of the learned Single Judge and invalidate the Will.

42. We had given careful consideration to the said arguments advanced.

43. The Will admittedly had been signed in the second page, but however, it has been typed in one single sheet and typed back to back and it is therefore not required that each page should be signed. It is also not the case of the appellant that the contents in the first page had been altered or amended or manipulated. There is no overwriting in the first page. We are therefore not convinced with the argument that since the Will had not been signed on both sides of the paper, it should be rejected.

44. The age of the testatrix has been given as 59 years. We do not give much credence to the fact that she was 57 years and not 59 years and that therefore, the Will should be rejected. She had given the age 59. It is not a serious circumstance or even a suspicious circumstance.



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45. The fact whether the property had been purchased by her or from and out of the earnings of G.V.N.Rayudu is an issue which requires examination of title of the property. In a probate proceedings, the Court cannot examine the title of the property but should confine itself to determine the genuineness of the Will and whether the Will had been properly attested. It is admitted that the title deed stands in the name of the testatrix. This has not been questioned by the appellant from the date of the sale deed. We hold that unless the sale deed is set aside in manner known to law, it has to be held that she was the absolute owner of the property with rights to deal with the property in any manner whatsoever.

46. During trial, to prove the Will, the plaintiff had examined PW-2 and PW-3. PW-2 was the son of T.Narayanan, one of the attesting witnesses. The Death Certificate of T.Narayanan had been marked as Ex.P9. Since he was not available, the plaintiff had examined his son as PW-2, who had identified the signature of T.Narayanan in the Will, which signature was marked as Ex.P12. The other attesting witness, Sivaprasad, was examined as PW-3. He also identified the signatures in the Will. However, his evidence is challenged on the ground that he had stated that when he signed the Will, the other attesting witness T.Narayanan was not present.



47. Section 63(c) of the Indian Succession Act, 1925 is as follows:

63. Execution of unprivileged wills: *Every testator, not being a soldier employed in an expedition or engaged in actual warfare, 1*[or an airman so employed or engaged,] or a mariner at sea, shall execute his will according to the following rules:--*

(a)

(b)

(c) *The will shall be attested by two or more witnesses, each of whom has seen the testator sign or affix his mark to the will or has seen some other person sign the will, in the presence and by the direction of the testator, or has received from the testator a personal acknowledgment of his signature or mark, or of the signature of such other person; and each of the witnesses shall sign the will in the presence of the testator, but it shall not be necessary that more than one witness be present at the same time, and no particular form of attestation shall be necessary.*

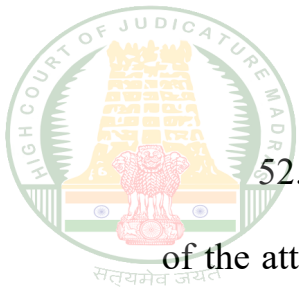
48. The provision requires that a Will should be attested by two attesting witnesses. They must have seen the testator signing the Will. They must have signed the Will under the direction of the testator. They must receive an acknowledgement of their signature from the testator. But however, very significantly “*it shall not be necessary that more than one witness be present at the same time*”. This provision stipulates that the witnesses should see the testator signing the Will and the testator should see the witnesses signing the Will.



49.If there are two witnesses, it is not required that they both should be present at the same time. PW-3 had stated that he had signed the Will and that was acknowledged by the testatrix and she affirmed her signature in the Will and he had seen that she had signed the Will. Arguments had been advanced about Ex.P11, the affidavit of T.Narayanan, the other attesting witness. As correctly pointed out by the learned Single Judge it is inconformity with Form No.56 of the Original Side Rules. It is a standard form. The son of T.Narayanan had been examined as PW-2 and he had affirmed the signature of his father.

50.The appellant had not raised a doubt that the signature of the testatrix is not her signature. It is not the case of the appellant that T.Narayanan or Sivaprasad had not signed the Will. They had signed the Will as witnesses inconformity with Section 63(c) of the Indian Succession Act, 1925. The Will had also been proved in manner known to law required by law under Sections 68/69 of the Indian Evidence Act, 1872. We hold that the ground raised on this issue does not warrant invalidation of the Will.

51.The statement of the testatrix that the appellant was earning huge sums of money when he was only a student also is not significant enough to reject the Will. It is the presumption of any parent that the sons who were in USA are living a better standard of life than in this country.



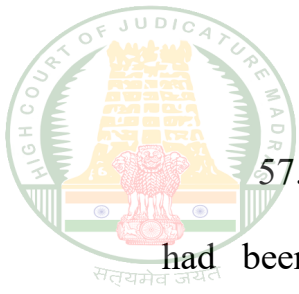
52. It is further held that the grounds raised by the appellant on the factum of the attestation of the Will are not legally sustainable. The evidence of PW-3 alone is sufficient to hold that the Will had been properly executed. He had also spoken about the mental status of the testatrix.

53. The respondent is the executor of the Will. He was a family friend. He is also a Chartered Accountant. It is only natural that the testatrix should rely on him and burden him the task of an executor under the Will. We hold that this is not the suspicious circumstance to invalidate the Will.

54. Moreover, PW-3, Sivaprasad was a former colleague of G.V.N. Rayudu in IIT Madras and it is only natural that the testatrix had called upon him to be a witness in the Will executed by her.

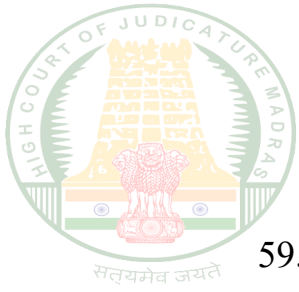
55. With respect to *jurat* portion, we hold that PW-3 had spoken about the execution of Will and when one witness is sufficient to be present, we hold that there has been compliance of the said requirement.

56. In **(2021) 14 SCC 500, Raj Kumari Vs. Surinder Pal Sharma** referred *supra* it had been observed that execution and attestation of the Will had not been proved in manner known to law.



57. But however, in the instant case, we hold that execution and attestation had been proved by examining both PW-2 and PW-3. The suspicious circumstances as pointed out by the learned counsel for the appellant do not warrant rejection of the Will. The circumstances pointed out are only minor mistakes, which certainly do not affect the proof adduced towards execution of the Will. It is not the case of the appellant that the testatrix was not in a sound state of mind at the time of execution of the Will. The fact that the second son was living with her would not be a circumstance to reject the Will or to automatically hold that influence had been exerted on her. He was looking after her. The other sons were in USA. It is only natural that the property was bequeathed to him. It is also in evidence that, in accordance with the terms of the Will, the jewellery had been divided among the brothers.

58. The repeated contentions of the learned counsel for the appellant that there are innumerable suspicious circumstances will have to be rejected since those circumstances do not go to the root of the execution of the Will. It is neither denied nor disputed that the Will was not signed by the testatrix. She had affixed her signature on the reverse side of the single paper. Merely because she had not signed on the first page would not invalidate the Will. The *jurat* portion is also written. The witnesses have also spoken about the attestation. A Will is executed only to deviate from the normal line of succession and disinheritance cannot be termed as a suspicious circumstance.



59. We are not inclined to hold that the Will has to be rejected. We hold that the deficiencies, pointed out, if at all they can be termed as deficiencies are not sufficient to reject the Will. The learned Single Judge had considered each and every aspect and had rendered a well considered judgment. We are not inclined to interfere with the same.

60. The judgment and decree of the learned Single Judge in T.O.S.No.21 of 2020 dated 16.08.2024 is upheld. The Appeal stands dismissed. No order as to costs. Consequently, connected Civil Miscellaneous Petitions are closed.

(C.V.K.,J.) (K.B.,J.)
17-04-2026

smv

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



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OSA No. 214 of 2



**C.V.KARTHIKEYAN, J.
AND
K.KUMARESH BABU, J.**

smv

**Pre-delivery Judgment made in
OSA No. 214 of 2024**

17-04-2026