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M.Suganthi Vs A.Arul Mohan and another

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Court : Chennai Orders

Decided On : Jun-30-2025

Judge : Honourable Mr.Justice K.Kumaresh Babu

Appeal No. : OP/641/2024

Appellant : M.Suganthi

Respondent : A.Arul Mohan and another

Judgement :

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.06.2025

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

Mrs.M.Suganthi Petitioner vs. 1.A.Arul Mohan 2.A.Ananda Mohan ...Respondents PRAYER: Original Petition filed under Section 222 and 276 of Indian Succession Act (39) of 1925 read with Order XXV Rule 4 of O.S. Rules, prayed that this Hon'ble Court may be pleased to pass an order as follows: a) That he may be allowed to prove the Will in common form, and that probate thereof, to have effect throughout the State of

Tamil Nadu may be granted to him. b) and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice. For Petitioner : Mr.A.M.Venkatakrishnan For Respondents : Mr.A.Anandharaj (For R1 & R2)

ORDER

This Original Petition has been filed for issuance of Probate for the Last Will and testament dated 14.08.2019 executed by Late.T.N.Arjunan, who died on 06.06.2021. The petitioner has been appointed as executor under the Will

2. The petitioner and the respondents are the children of the testator.

The wife of the testator died on 17.05.2023. The petitioner and the respondents are the beneficiaries named in the said Will of the testator. The respondents inspite of entering appearance, have neither filed any affidavit nor cross-examined the petitioner.

3. The petitioner has examined herself as PW1. She has produced the

death certificates of the testator and his wife as Ex.P3 and Ex.P4. The original registered Will and Testament dated 14.08.2019 as Ex.P1. The Legal heirship certificate of testator's wife as Ex.P5. A perusal of Ex.P5, shows that the wife of the testator died leaving behind her children who are the petitioner and the respondents herein and her husband, the testator predeceased her. The death certificate of the testator also shows the name of the wife of the testator. From the above observation, it can be inferred that the petitioner and the respondents are the only surviving legal heirs of the testator since his wife died on 17.05.2023.

4. Mr.S.Govindan, who was the first attesting witness to the said Will

has been examined as PW2. The attesting witness had spoken about the execution of the Will by the testator and its attestation by him and marked his

affidavit as Ex. P8.

5. In view of the said evidence, the execution of Will stands proved. Hence, the Original Petition is allowed granting probate of the last. Will and testament dated 14.08.2019.

kak Index :Yes/No Petitioner's witness: P.W.1 - Mrs.Suganthi P.W.2 - Mr.S.Govindan Documents exhibited by the petitioners: Exhibits Documents Ex.P1 Photocopy of the sale deed dated 28.01.1974 along with the photocopy of the agreement of sale.(Compared with the originals) Ex.P2 Original registered Will and Testament dated 14.08.2019 executed by Mr.Arjunan T.N.

Ex.P3 Computer generated death certificate of Mr.Arjunan. Ex.P4 Computer generated death certificate of Mrs.A.Parimala. Ex.P5 Computer generated legal heirship certificate of Mrs.A.Parimala. Ex.P6 Certificate under Section 65 B of the Indian Evidence Act, 1872. Ex.P7 Affidavit of assets showing the net value of the estate as Rs.91,96,454/- Ex.P8 Affidavit of P.W.2. Ex.P9 Photocopy of Aadhaar Card of P.W.2.(Compared with the original)

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K.KUMARESH BABU, J.

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