

IN THE COURT OF THE DISTRICT JUDGE OF PALAKKAD.

Present:- Sri.Kenneth George, Additional District Judge – IV

Friday the 10th day of April, 2026
(20th day of Chaithra, 1948 S.E.)

ORIGINAL PETITION (PROBATE) NO.93/2025.

(In the matter of the Will of deceased K.Velayudhan Nair)

Petitioner:

Vijayakrishnan.V., Aged 54 Years, S/o.Late Sundaran Nair,
Residing at 2/596, Vellatheri House, Kunnumpuram, Kalpathy (P.O.),
Palakkad Taluk, Palakkad District – 678 003.

By Advocate : Sri. K.Gopakumar.

Vs.

Respondent:

Anitha.V., Aged 48 Years,
Residing at Vellatheri House, Kunnumpuram, Kalpathy.P.O.,
Palakkad Taluk, Palakkad District.

By Advocate : Sri. P.Krishna Kumar.

This Probate O.P. having been heard on 31.03.2026 and this court on 10-04-2026 passed the following:

ORDER

This is a petition filed under Section 276 of Indian Succession Act, 1925 to grant probate.

2. The averments in the petition in brief are as follows: The petition schedule property belonged to K. Velayudhan Nair. He died on 03.03.2020 at his home at Melemanakal House. The deceased got title to petition schedule property in EP 396/2009 in OS 246/2005 of Munsiff's Court, Palakkad, The petition schedule property consists of an extent of 3 cents of land and a RC house. On 03.12.2019, the deceased executed Will bequeathing petition schedule property in favour of the petitioner. The will was executed without any inducement, compulsion or undue

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influence. The respondent is the daughter of brother of the deceased. The respondent raised some claims in respect of petition schedule property. The advise given to petitioner was to get the will probated as provided under the Indian Succession Act. Hence the petition.

3. On receipt of notice, the respondent entered appearance and submitted no objection in probating the will. The notice also completed by affixture and paper publication.

4. The point that arises for consideration are:

1. Whether petitioner is entitled to probate of the will as prayed for?
2. Reliefs and costs?

5. On the side of petitioner, PW1 and PW2 are examined and Exhibit A1 to Ext.A6 marked.

6. **Point No. 1:** PW1 is the petitioner who filed affidavit in support of averments in the petition. Exhibit A1 is the original will executed by deceased K. Velayudhan Nair dated 03.12.2019. Exhibit A2 shows that Velayudhan Nair died on 03.03.2020. Exhibit A3 to Ext.A6 are produced by the petitioner to prove that mutation in revenue records effected in his name.

7. PW2 is an attester to Exhibit A1 will. PW2 also filed proof affidavit in support of pleadings in the original petition.

8. Exhibit A1 is the registered will in favour of petitioner. Evidence of PW1 and PW2 are sufficient to prove will as required under Sections 67 of the BSA 2023 and 63 (c) of the Indian Succession Act. The respondent has not opted to cross-examine PW1 and PW2 regarding valid execution of Exhibit A1 will. To prove the bonafide, petitioner has also produced Exhibit A2 to Exhibit A6 regarding mutation of petition schedule property in his favour. There is nothing on record to

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show that the execution of will is vitiated by any suspicious circumstances. Consequently, this Court is inclined to certify Exhibit A1 as the last testament of the deceased Velayudhan Nair. The point is answered in favour of the petitioner.

9. **Point number 2:-** In the result,

- i) The petition is allowed.
- ii) Probate is granted in respect of Ext. A1 Will of late Velayudhan Nair.
- iii) No order as to costs.

Dictated to the Confidential Assistant, typed and transcribed by him, corrected and pronounced by me in open court on this the 10th day of April, 2026.

-sd/

Additional District Judge-IV
Palakkad.

SCHEDULE OF PROPERTY:

District	Taluk	Nature	Survey Number.	Ward Number	Block Number	Extent.	Description	Boundaries			
								East	South	West	North
Palakkad	Palakkad	Kudiyirippu Parambu	3585/2 part.	5	74	Kunnathur Amsom 3 cent Kudiyiriuppu Parambu.	Palakkad Taluk, Kunnathur Amsom, Ward – 5, Block 74, Survey Number: 3585/2 Part 3 cent Kudiyiruppu Parambu.	Velu Kudiyiruppu	Nilam	Velayudhan House	Pathway

-sd/

Additional District Judge-IV
Palakkad.

APPENDIX

Petitioner witnesses:

PW1: 12-03-2026 : Vijaykrishnan.V., S/o. Late Sundaran Nair.

PW2: 27-03-2026 : Velayudhankutty.M., S/o.Murukan.

Petitioner's Exhibits marked:

Ext.A1 : Original will executed by deceased K. Velayudhan Nair dated 03.12.2019.

Ext.A2 : Copy of Death Certificate of Velayudhan Nair issued by Palakkad Municipality.

Ext.A3 : Copy of Tax receipt.

Ext.A4 : Copy of Building Certificate.

Ext.A5 : Copy of Building Tax Receipt.

Ext.A6 : Copy of Possession Certificate.

Respondent's Witnesses & Exhibits : Nil.

-sd/

**Additional District Judge-IV
Palakkad.**

Typed by : Sainabi

Compared by : Rahul.

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**Fair/Copy/ ORDER IN
OP (PROBATE) No. 93/2025
Dated:- 10th April, 2026**