



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-12-2025

CORAM

THE HONOURABLE MR.JUSTICE P. DHANABAL

OP No. 640 of 2011

G. Premnath
S/o. Late R. Gopalakrishnan

Petitioner(s)

Vs

1. G.Sumathi
D/o. Late R. Gopalakrishnan

2. G. Sridhar
S/o. Late R. Gopalakrishnan

3. G. Muralikrishnan
S/o. Late R. Gopalakrishnan

.....Respondents

PRAYER: This Original Petition has been filed under Sections 222, 255 and 276 of the Indian Succession Act read with Order XXV Rule 5 of Original Side Rules praying that the petitioner may be allowed 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 him and limited to the property mentioned in the assets.

For Petitioner(s): Mr. V. Natarajan for
M/s. V.N.R. Associates

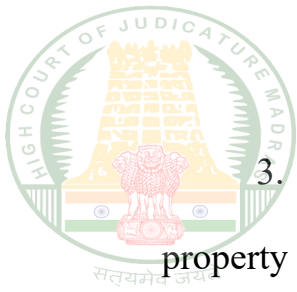
For Respondent(s): Mr. Sridheap



ORDER

This petition has been filed under Section 222, 255 and 276 of the Indian Succession Act read with Order XXV Rule 5 of Madras High Court Original Side Rules seeking to grant Probate of the Will dated 29.01.2001 executed by Late Tmt. Sarojini Ammal to have effect through out the State of Tamil Nadu.

2. According to the petitioner, one Mrs. R. Sarojini Ammal is the sister of one Mr. R. Gopalakrishnan, who is the father of the petitioner and the respondents herein. The said Mrs. R. Sarojini Ammal W/o. Late R. Govindaraja Pillai died on 29.09.2004 and she had no issues. The parents and husband of the deceased Mrs. R. Sarojini Ammal predeceased her. During her lifetime, she possessed the property described in the schedule and she executed a Will dated 29.01.2001. Under the said Will, the deceased Mrs. R. Sarojini Ammal appointed her brother Mr. R. Gopalakrishnan and the petitioner herein as Executor. The said Executor Mr. R. Gopalakrishnan passed away on 23.03.2001. Therefore, the petitioner and the respondents are the beneficiaries of the estate of the deceased. All the next of kin and interested persons to the deceased have been implicated as parties in the petition and there is no other next of kin or legal heirs to the deceased to be impleaded. The amount of assets which are likely to come into the petitioner's hands does not exceed in the aggregate the sum of Rs.50,00,400/-. The respondents have given their consent for grant of probate in favour of the petitioner.



3. The petitioner had undertaken to duly administer the specified property and credits of the deceased in any way concerned her 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 exhibits 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.

4. In order to prove the claim of the petitioner, he examined PW1 and PW2 and marked Ex.P.1 to Ex.P.6. On the side of respondents, RW1 was examined and Ex.R.1 to Ex.R.4 were marked.

4.1. The first attesting witness namely Mr. S. Anbarasu, to the Will dated 29.01.2001 executed by the deceased Mrs. Sarojini Ammal, was examined as PW1 and the petitioner herein has been examined as PW2. The petitioner herein, has deposed by narrating the averments made in the petition stating that he has filed this petition for grant of Probate of the Last Will and Testament executed by the deceased Late Mrs. Sarojini Ammal on 29.01.2001. The Original Will and testament has been marked as 'Ex.P.1'. PW1, who is the first attesting witness in the Will dated 29.01.2001, has deposed that he is aware of the Will executed by the Testatrix Mrs. Sarojini Ammal and she is his friend's relative and the Will was executed at her residence. He along with one Mr. P.



Senthil Kumar had signed in the Will as attestors in front of each other. He further identified the signature of the Testatrix. He further stated that at the time of execution of the Will, the Testatrix Mrs. Sarojini Ammal was in good sound and disposing state of mind. Therefore, the execution of the Will and attestation are duly proved in accordance with law.

4.2. On the side of the respondents, Mr. G. Sridhar, the 2nd respondent herein, has been examined as RW1. He has deposed and filed the consent affidavits of the respondents 1 to 3 herein, to grant probate in favour of the petitioner.

5. From the averments made in the petition and the both sides' evidences supported by the documents, it is clear that the petitioner has proved his claim and there is no contra evidence. Hence, this Court is satisfied that the petitioner is entitled to the relief as prayed for in the petition.

6. In the result, the Original Petition is ***allowed*** and the Will executed by Late Mrs.Sarojini Ammal dated 29.01.2001 is hereby probated.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

**APPENDIX:****List of Petitioner side Witnesses:**

PW1 : Mr.S. Anbarasu
PW2 : Mr. G. Premnath

List of Petitioner side Documents:

Exhibit No.	Date	Description of Documents.
Ex.P.1.	29.01.2001	Will executed by Mrs. Sarojini Ammal.
Ex.P.2	-	Affidavit filed by PW1.
Ex.P.3	-	Photocopy of the Aadhar Card of PW1.
Ex.P.4.	15.06.2001	Photocopy of the Legal Heir Certificate of Mr. R. Gopalakrishnan.
Ex.P.5	29.09.2004	Photocopy of the Death Certificate of Mrs. R. Sarojini Ammal.
Ex.P.6	-	Affidavit of assets showing the net value to the tune of Rs.49,80,000/-

List of Respondents side Witnesses:

RW1 : Mr. G. Sridhar

List of Respondents' side Documents:

Exhibit No.	Date	Description of Documents.
Ex.R.1.	11.10.2004	Photocopy of the General Power of Attorney executed by the 3 rd respondent in favour of the 2 nd respondent along with a memo.
Ex.R.2	-	Consent affidavit of the 1 st respondent stating that she has no objection for grant of probate.
Ex.R.3	-	Consent affidavit of the 2 nd respondent stating that he has no objection for grant of probate.
Ex.R.4.	-	Consent affidavit of the 3 rd respondent stating that he has no objection for grant of probate.

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