



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 19-01-2026**

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**THE HON'BLE MR.JUSTICE P. DHANABAL**

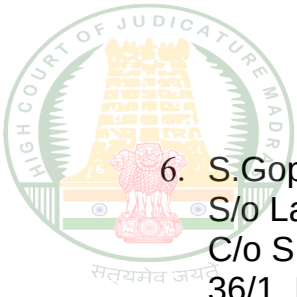
**OP No. 850 of 2024**

V.Radhakrishnan  
No.42, IP. Koil North St.,  
Thiruvvarur – 610001,  
Thiruvvarur District

..Petitioner(s)

Vs

1. S.Elangovan  
S/o Late Selvaraj,  
A-10-02 Adroit Artistica,  
439, Rajiv Gandhi Salai, Sholinganallur,  
Chennai -600 119
2. D.Manjula  
W/o Late Dorairaj,  
167, Natchathira Nagar,  
4th Street, Thanjavur – 613005
3. D.Jaya Bharathi  
D/o Late Dorairaj,  
Flat - B - 1087, 3rd Floor,  
G.D.Colony, Mayur nagar Phase - 3,  
East Delhi, Delhi - 110 096
4. D.Senthilnathan  
S/o Late Dorairaj,  
167, Natchathira Nagar,  
4th Street, Thanjavur – 613005
5. S.P.Chandran  
S/o Late K.Sadhasivam,  
Fd 3, 5th Floor, Sumukha Platinam,  
Subramanyapura Police Station,  
Nagammal Layout,  
Bangaluru South – 560061



6. S.Gopinath  
S/o Late K.Sadhasivam,  
C/o S.Prakash, Gayathiri Apartment,  
36/1, Bharathiyar Road,  
Maniyarkaranpalayam,  
Coimbatore - 641 006

7. S.Prakash  
S/o Late K.Sadhasivam,  
Gayathiri Apartment,  
36/1, Bharathiyar Road,  
Maniyarkaranpalayam,  
Coimbatore - 641 006

8. Kavitha Suresh  
D/o Late K.Sadhasivam,  
36, Main Road, Muthayalpettai,  
Kancheepuram 631 601

9. Thailammal  
W/o Somasundaravarma,  
C/o Arunachalam,  
AK 55, TAS Enclave,  
C-4, Juniper Apartment,  
Anna Nagar,  
Chennai - 600 040

..Respondent(s)

**Prayer:**

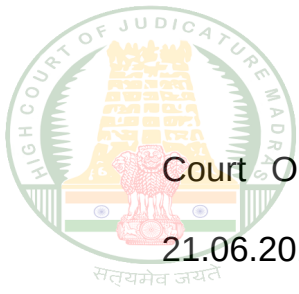
Original Petition filed under Sections 222 and 276 of Indian Succession Act XXXIX of 1925 r/w Order XXV Rule 4 of O.S.Rules of High Court, Madras to prove the Will in common form, and that Probate thereof, to have effect throughout the whole of Tamil Nadu

For Petitioner(s): Mr. R.Kannan

For Respondent(s): Mr.P.Thirupathi Raj

**ORDER**

This petition has been filed under Sections 222 and 276 of the Indian Succession Act Order XXXIX of 1925 r/w Order XXV Rule 4 of Madras High

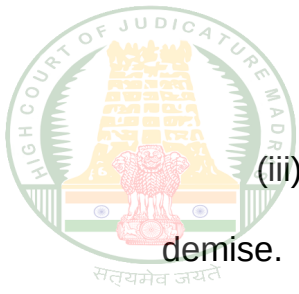


Court Original Side Rules seeking to grant Probate of the Will dated 21.06.2013 executed by Late V.Sivarajan and Meenakshi Sivarajan to have effect limited to the State of Tamil Nadu.

2. According to the petitioner, the petitioner and the respondents are the agnates and cognates of Late V.Sivarajan and Meenakshi Sivarajan and except the 9<sup>th</sup> respondent, all others are the beneficiaries as per the Will dated 21.06.2013 executed by both the testators. The said V.Sivarajan and Meenakshi Sivarajan, died leaving no lineal descendants. The testators are the absolute owner of the properties described in Schedule. The said property was purchased by the testators during their lifetime. The testators executed a Will dated 21.06.2013 bequeathing the immovable property in favour of the petitioner and the respondents in the following manner:-

(i) The testator Sivarajan has an elder sister, 9<sup>th</sup> respondent, who is the formal party. One of his younger brother, Durairaj died on 05.05.2021, leaving behind the respondents 2 to 4 as his legal heirs, another brother Selvaraj, also predeceased him, therefore, the testators bequeathed one share to the petitioner, one share to son of his predeceased brother Selvaraj, Elangovan, viz., 1<sup>st</sup> respondent and one share to the legal heirs of deceased brother Durairaj, viz., respondents 2 to 4.

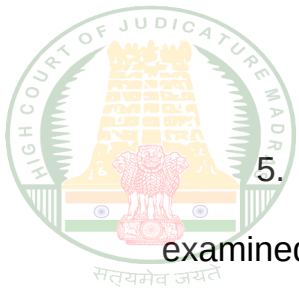
(ii) Further, one share was allotted to the brother of the Testator, Meenakshi Sivarajan, viz., Sadasivam, who died after the demise of her and her legal heirs, viz., respondents 5 to 8.



(iii) The 5<sup>th</sup> share was to be used for funeral and other expenses on their demise. The market value of the schedule mentioned properties would not exceed Rs.40,00,000/-.

3. The testators had appointed the petitioner as the executor of the Will and the petitioner and the respondents are the beneficiaries of the said Will. Except the petitioner and the respondents, there are no other next of kin to the testators to be impleaded. The respondents have given their consent by filing affidavit that they have no objection to grant probate in favour of the petitioner. The 1st attesting witness to the Will, N.Arumugam was examined as P.W.2, who deposed that the testators have executed the Will dated 21.06.2013 and the 2<sup>nd</sup> attesting witness has filed an affidavit indicating that he was present and affixed his signature in the Will.

4. The amount of assets which is likely to come to the petitioner's hand does not exceed in the aggregate sum of Rs.40,00,000/-. The petitioner had undertaken to duly administer the specified property and credits of the deceased in any way concerned to the 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.



5. In order to prove the claim of the petitioner, PW1 and PW2 were examined on the side of the petitioner and Ex.P.1 to Ex.P.15 were marked.

The attesting witness to the Will, has been examined as PW2.

6. PW1, the petitioner herein, in his evidence had narrated 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 V.Sivarajan and Meenakshi Sivarajan on 21.06.2013. The said Will and testament has been marked as 'Ex.P.1'. PW2, one of the attesting witness, in his evidence, had stated that the testators had executed a Will dated 21.06.2013 and he was also present along with the testators at the time of execution of Will. He has also identified the signature of the testators in the Will. Therefore, the execution of the Will and attestation are duly proved in accordance with law.

7. From the averments made in the petition and the depositions of PW1 and PW2 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.

8. In the result, the Original Petition is **allowed** and the Will executed by Late V.Sivarajan and Meenakshi Sivarajan dated 21.06.2013 is hereby probated.

**19.01.2026**

Index : Yes/No  
Speaking Order : Yes/No  
ssd



**APPENDIX:**

**List of Petitioner side Witnesses:**

PW1 : Mr. V.Radhakrishnan  
PW2 : Mr.N.Arumugam

**List of Petitioner side Documents:**

| Exhibit No. | Date       | Description of Documents.                                                                            |
|-------------|------------|------------------------------------------------------------------------------------------------------|
| Ex.P.1      | 21.06.2013 | Original Will and Testament executed by Mr.V.Sivarajan and Mrs.Meenakshi Sivarajan                   |
| Ex.P.2      | -          | Computer generated death certificate of Mrs.Meenakshi Sivarajan                                      |
| Ex.P.3      | -          | Computer generated death certificate of Mr.V.Sivarajan                                               |
| Ex.P.4      | -          | Computer generated legal heirship certificate of Mr.Vaithiyalingam                                   |
| Ex.P.5      | -          | Original Death certificate of Mr.V.Selvaraj                                                          |
| Ex.P.6      | -          | Computer generated death certificate of Mr.K.Sadhasivan                                              |
| Ex.P.7      | -          | Computer generated legal heirship certificate of Mr.K.Sadhasivan                                     |
| Ex.P.8      | -          | Computer generated death certificate of Mr.S.Santha                                                  |
| Ex.P.9      | -          | Computer generated death certificate of Mr.Dorairaju                                                 |
| Ex.P.10     | -          | Computer generated legal heirship certificate of Mr.Dorairaju                                        |
| Ex.P.11     | 21.01.1976 | Photocopy of the sale deed executed in favour of Mr.V.Sivarajan (Compared with the Original)         |
| Ex.P.12     | 22.02.2002 | Photocopy of the Joint Venture Agreement entered into between V.Sivarajan and M/s Deepika Foundation |
| Ex.P.13     | -          | Certificate filed by the petitioner under Section 63(4)(C) of BSA                                    |
| Ex.P.14     | -          | Affidavit of assets showing the net value of the estate as Rs.40,00,000/-                            |
| Ex.P.15     | -          | Photocopy of Aadhaar card                                                                            |

**19-01-2026**

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

OP No. 850 of 2



**P.DHANABAL, J.**

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**19-01-2026**