

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(TESTAMENTARY AND INTESTATE JURISDICTION)

TUESDAY, THE 03RD DAY OF JULY 2018

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

O.P.No.434 of 2017

In the matter of Indian
Succession Act, XXXIX of
1925
and

In the matter of Certificate
Copy of the Letters of
Administration with the Last
Will and Testament of
Mr.Hariram Jayaram
(deceased) who permanently
resided No.61, Jalan USJ
11/1A, UEP Subang Jaya,
47620 Subang Jaya, Selangor
Darul Ehsan, Malaysia,
Proved abroad. (Certified
Copy of the Probate granted
on 9.3.2015 by the High
Court, Kuala Lumpur,
Malaysia)

Ms.Selvrani SimanChalam,
daughter of Simanchalam Appannah,
89-A, Jalan PJS, 10/14
Taman Sri Subang 46000,
Petaling Jaya, Selangor,
Malaysia,
Temporarily residing at
No.12-1, Narayan Arihant Ocean Towers,
No.28, Wallajah Road,
Chennai 600 002. ...Petitioner

Original Petition praying that this Hon'ble Court be
pleased to grant Letters of Administration with a certified
copy of the Will proved abroad annexed to the Petition, as
the Executor under the WILL of the deceased and having
effect throughout the state of Taminadu.

This Original Petition coming on this day before this
Court for hearing and the Court made the following order:-

This Petition has been filed under Sections 228 and 276 of the Indian Succession Act read with Order XXV Rule 5 of the Original Side Rules, seeking to grant of Letters of Administration in respect of the Last Will and Testatment of Mr.Hariram Jayaram.

2. This petition has been filed for grant of Letters Administration in respect of the Will of one Hariram Jayaram executed on 01.12.2010. The Will was already probate before the High Court, Kuala Lumpur, Malayisia on 09.03.2015. The deceased has bequeathed his immovable properties in India in favour of the petitioner. The two niece of the deceased, who are daughters of the sister of the deceased had consented for grant of probate in favour of the petitioner in High Court, Malaysia in S-32N CVC-1315-09/2014. There is no other kith or kin available to be impleaded. The amount of assets which is likely to come to the petitioner's hands does not exceed in the aggregate sum of Rs.1,90,21,703.13/- and the net amount of the said assets after deducting all the items, which the petitioner is by law allowed to deduct is only of the value of Rs. 1,90,21,703.13/-. The petitioner hereby undertakes to duly administer the specified property and credits of the deceased in any way concerning his 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 a Letters of Administration with the Last Will annexed to the petition and also to render to this Court a true account of the said property within one year from the said date.

4. The petitioner examined herself as P.W.1 and Ex.P.1 to Ex.P.9 have been marked by the petitioner.

5. P.W.1 in her evidence had narrated the averments made in the petition stating that the petitioner has filed this petition for grant of Letters of Administration in her favour in respect of the Last Will and Testament executed by the deceased Hariram Jayaram executed on 01.12.2010. Ex.P.1 is the copy of the death certificate of Hariram Jayaram. Ex.P.1 has been filed to prove that the testator Hariram Jayaram died on 9.11.2013. Ex.P.2 is the certified copy of the Probate granted before the High Court, Kuala Lumpur, Malaysia in S-32N CVC-1315-09/2014 along with the Will executed by the deceased Hariram Jayaram. As the Will of the deceased has already been probated in the Court of competent jurisdiction beyond limits of the State, when the authenticated copy of the Will is produced, the Letters of Administration can be granted, if the copy is annexed as per Section 228 of the Indian Succession Act. Ex.P.2 shows that the Will of the deceased has already been probated before the High Court, Malaysia.

6. In view of the above facts, I am of the view that the petitioner is entitled for the issuance of Letters of Administration in her favour.

7. Accordingly, this petition is allowed. Issue Letters of Administration in favour of the petitioner. The petitioner is directed to duly administer the properties and credits of the deceased more fully described in the schedule. The petitioner is also directed to execute a security bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) in favour of the Assistant Registrar (O.S.II), High Court, Madras. The petitioner is further directed to render true and correct accounts once in a year.

Sd/-N.S.K.J.

03.07.2018

//Certified to be true copy//

Dated at Madras this the day of 2019.

COURT OFFICER(O.S.)

su.23.09.2019

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