

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 13TH DAY OF JUNE 2018

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

O.P.No.679 of 2017

In the matter of Indian
Succession Act XXXIX of 1925
and in the matter of the
Estate of J.D.Nichani
(deceased)

Ms.Maya J.Nichane
D/o.Late J.D.Nichani
Old No.103, New No.270,
N.S.C.Bose Road,
Chennai 600 001.

...Petitioner

1.Mrs.Lajwanti@ Hema Bajaj
D/o.J.D.Nichani
W/o.Late Ashok G.Bajaj
23-D,Vivek Apartments,
Besant Street
Santacruz West,
Mumbai 400 054.

2.Mrs.Shanthi @ Meghna Ahuja
D/o.Late J.D.Nichani
W/o.Mr.Ashok G.Ahuja
Flat No.42, Sea Pebbles Society,
Perry's Cross,
75, Chimbhai Road, Bandra West,
Mumbai - 400 050.

3.Ms.Shakuntala J.Nichani
D/o.Late.J.D.Nichani
Old No.103, New No.270
N.S.C.Bose Road, Chennai 600 001.

4.Ms.Savitri J.Nichani
D/o.Late J.D.Nichani
Old No.103, New No.270
N.S.C.Bose Road,
Chennai 600 001.

...Respondents

Original petition Application praying that this Hon'ble Court be pleased to that Letters of Administration ameded of the properties and credits of deceased limited to the Union of India may be granted to the Petitioner.

This Original Petition coming on this day before this court for hearing, the court made the following order:

This Petition has been filed under Sections 218 and 278 of the Indian Succession Act 1925 and Order XXV Rule 5 of the High Court Original Side Rules, seeking the grant of Letters of Administration.

2.Heard the learned counsel appearing for the petitioner.

3.In the petition, it is stated that J.D.Nichani died on 16.01.1963 and he was ordinarily resided at No.156, Netaji Subhash Chandra Bose Road, Chennai 600 001. The deceased died intestate and though due and diligent search has been made for a Will, none has been found. The petitioner is the daughter of the deceased. The respondents 1 to 4 are the daughters of the deceased. The

amount of assets which is likely to come to the petitioner's hands does not exceed in the aggregate sum of Rs.2,50,00,000/- and the net amount of the said assets after deducting all the items, which the petitioners are by law allowed to deduct is only of the value of Rs.2,50,00,000/-. The petitioner undertakes to duly administer the property and credits of the deceased J.D.Nichani and to make a full and true inventory thereof and exhibit the same to the Court within six months from the date of grant of Letters of Administration to the petitioner and also render a true account of the said property and credits within one year from the said date. The petitioner has impleaded all the next of kin or other persons interested as party and there is no next of kin or other person interested to be impleaded. No application has been filed in any other Court for Letters of Administration.

4.The petitioner, who examined herself as P.W.1, reiterated the averments made in the petition and filed the following documents viz., Exs.P1 to P13:

Ex.P1 is the computer generated death certificate of the deceased J.D.Nichani, who died on 16.01.1963.

Ex.P2 is the photocopy of sale deed dated 02.09.1954 registered as Doc.No.726/1954 at SRO, Sowcarpet in favour of the deceased J.D.Nichani.

Ex.P3 is the photocopy of deed of sale of property dated 30.08.1960 mentioned in Annexure A of item No.1 of Schedule property.

Ex.P4 is the computer generated death certificate of the petitioner's brother Shyam Lal Nichani, who died on 30.06.1998.

Ex.P5 is the photocopy of death certificate of the petitioner's mother Maina J.Nichani, who died on 21.10.1999.

Ex.P6 is the computer generated death certificate of the petitioner's sister Shoba Jasha Ram Nichani, who died on 17.01.2015.

Ex.P7 is the consent affidavit given by the 1st respondent stating that she has no objection in grant of letters of administrations in petitioner's favour.

Ex.P8 is the consent affidavit given by the 2nd respondent stating that she has no objection in grant of letters of administrations in petitioner's favour.

Ex.P9 is the consent affidavit given by the 3rd respondent stating that she has no objection in grant of letters of administrations in petitioner's favour.

Ex.P10 is the consent affidavit given by the 4th respondent stating that she has no objection in grant of letters of administrations in petitioner's favour.

Ex.P11 is the affidavit of assets showing the net value of the property as Rs.2,50,00,000/-.

Ex.P12 is a copy of paper publication effected in one issue of English Daily "News Today" dated 14.12.2017.

Ex.P13 is a copy of paper publication effected in one issue of Tamil Daily "Dhina Suriyan" dated 21.12.2017.

5.Considering the averments made in the petition and on perusing the materials available on record, I am satisfied that the petitioner is entitled to the issuance of Letters of Administration.

6.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.

13.06.2018

//Certified to be a true copy//

Dated this the th day of 2018.

DL/01.11.2018

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.



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