

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2019

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

O.P.No.1176 of 2018

Iqbal Begum Dilawar Hussain
...Petitioner

Vs

Md.Sirajuddin Kalami
Respondents

...

Original Petition filed for issue of Succession Certificate under Sections 217 and 278 of the Indian Succession Act & under Order XXXIX of 1925 read with Order XXV Rule 5 of the Original Side Rules praying to grant Letters of Administration to the property and credits of the deceased Md.Naseeruddin Kalami to have effect throughout the whole of the State of Tamil Nadu.

For Petitioner : Mrs.T.Jayalakshmi
for M/s.Paul & Paul

ORDER

This petition is filed under Sections 217 and 278 of the Indian Succession Act, 1925 read with Order 25 Rule 5 of the Original Side Rules, for grant of Letters of Administration to the property and credits of the deceased Md.Naseeruddin Kalami to

the petitioner in respect of the assets specified in the schedule to the petition.

2. I heard the learned counsel for the petitioner.

3. The learned counsel for the petitioner submits that the petitioner is the sister of the late Md.Naseeruddin Kalami, who died intestate at Chennai on 18.06.2015. She further submits that the respondent is the only surviving sibling of the petitioner and the deceased Md.Naseeruddin Kalami. She also submitted that the wife of the deceased, namely, Habeebunnisa, predeceased him and died on 19.06.2014 as evidenced by Ex.P6. The mother of the deceased also predeceased him and died on 16.06.1996 as evidenced by Ex.P8. The other two siblings of the deceased, namely, Mrs.Ikruniss and Mohammed Bashruddin also predeceased the late Md.Naseeruddin Kalami as evidenced by Ex.P14 and P15. Therefore, she submits that the only surviving legal heirs of the deceased are the petitioner and the respondent and that this is evidenced by the Legal Heirship Certificate issued by the Chief Kazi to the Government of Tamil Nadu (Ex.P9).

4. On the above basis, the brother of the petitioner, namely, the respondent herein also issued a consent affidavit stating that he has no objection to the grant of Letters of Administration in favour of the petitioner (Ex.P17). On the above basis, the learned counsel submitted that there is no impediment to the grant of Letters of Administration to the petitioner in respect of the estate of her brother.

5. The records were examined and the submissions of the learned counsel were considered. From the evidence recorded in the case, the following is clear:

(i) The wife of the deceased predeceased him on 19.06.2014 (Ex.P6).

(ii) The mother of the deceased also predeceased him on 16.06.1996 (Ex.P8). Two other siblings predeceased him on 18.11.1996 and 23.01.2001 respectively (Exs.P14 & P15).

(iii) The petitioner has filed an affidavit of assets showing the net value of the estate as Rs.28,15,000/- (Ex.P18).

(iv) The petitioner's brother namely the respondent herein has issued a consent affidavit stating that he has no objection for grant of letters of administration in favour of the petitioner (Ex.P17).

(v) In spite of the paper publications being made, no one has opposed the grant of letters of administration (Ex.P19 & P20).

6. It is stated in the petition that in spite of diligently searching for the same, no Will was found in respect of the deceased Mr.Md.Naseeruddin Kalami. It is further stated in the petition that no other application was made to a District Court or Delegate of to any High Court for probate of the Will of the deceased or for letters of administration with or without a Will annexed.

7. From the foregoing, the petitioner has made out a case for grant of letters of administration to administer the estate of

the deceased.

8. Accordingly, this petition is allowed by granting letters of administration to the property and credits of the deceased Mr.Md Naseeruddin Kalami, as set out in the schedule to the petition, to have effect throughout the State of Tamil Nadu. The petitioner shall provide a bond for Rs.25,000/- in the name of the Assistant Registrar (Original Side) and also provide a full and true

inventory and a statement of account as undertaken in Paragraph No.11 of the petition.

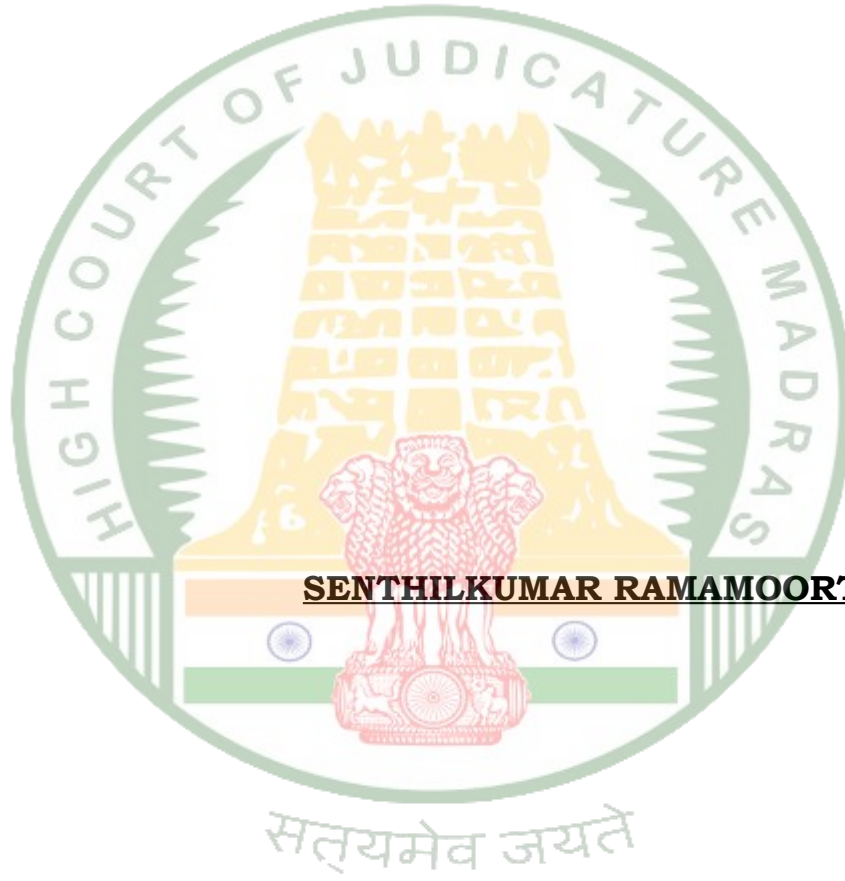
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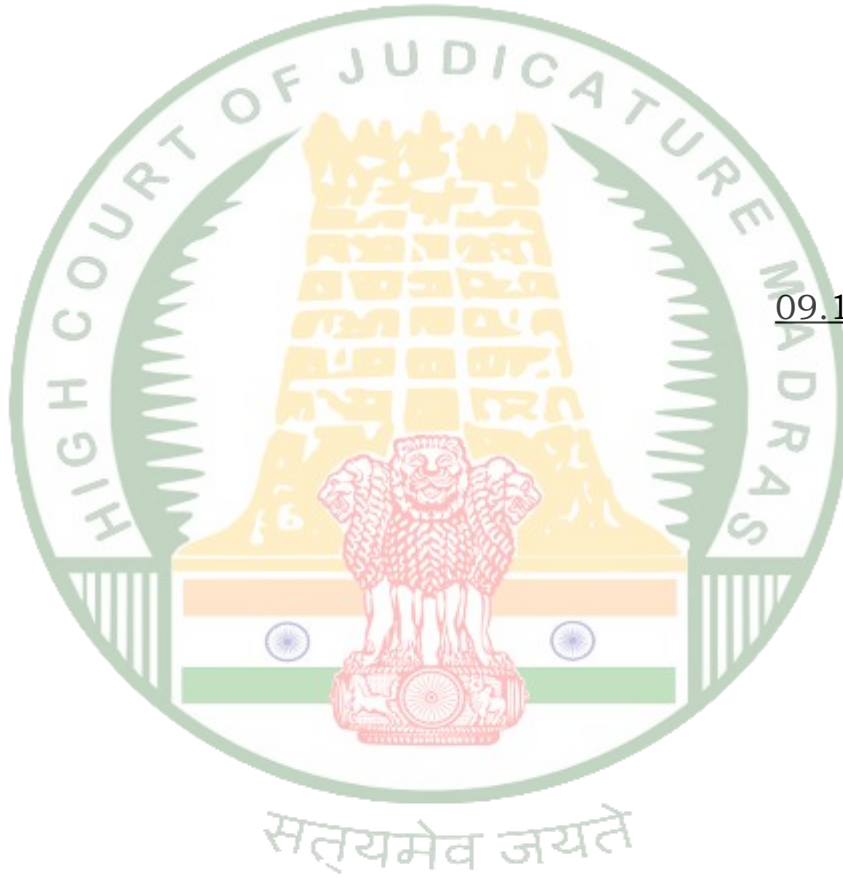


SENTHILKUMAR RAMAMOORTHY, J.

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