

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 07TH DAY OF MARCH 2019

THE HON'BLE MR. JUSTICE R.SUBRAMANIAN

A.No.9016 of 2018

in

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 Ehasan, 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/Petitioner
IN OP.NO.434/2017
...RESPONDENT/PETITIONER
IN A.NO.9016/2018

Application praying that this Hon'ble Court be
pleased to pass an order dispensing with the payment of
court fee in respect of properties bequeathed by the
Testator in favour of Gnanambal Jayaram Foundation set out
in Annexure herein while granting Letters of Administration

to the Petitioner in respect of the Will dated 01.12.2010 executed by the late Mr.Hariram Jayaram, which is the subject matter of the above petition.

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

The application has been filed seeking dispense with the payment of court fee in respect of properties bequeathed by the testator in favour of the Gnanambal Jayaram Foundation.

2. The original petition filed on 19.09.2016 was admitted on 03.07.2017, since the original petition was presented before the amendment of the Tamil Nadu Court fee and Suit Valuation Act, on 16.09.2016 the Probate duty payable was shown at Rs.5,48,240.55/-. The petition itself was numbered and was admitted only after the date of introduction of the amendment act i.e., 01.03.2017. It is brought to my notice that in A.No.3957 of 2017 this Court, on 08.08.2017, held that duty for probate or letters of administration with or without the Will is payable as per the amended provisions, if the original petition was admitted/numbered after 01.03.2017. As already pointed out, this original petition was admitted on 03.07.2017. Hence, the duty payable is only 3% of the value subject to maximum of Rs.25,000/-.

3.Further, there is no provision in the Court Fees Act for dispensing with the payment of Court fee Proviso to Section. 56(1) only provides that the properties which are held in trust are not chargeable with Court fee.

4. Now that the court fee payable is only for Rs.25,000/-, the learned counsel for the applicant would submit that they would pay the Court fee. Hence, this

application is dismissed making it clear that the petitioner will be liable to pay only a sum of Rs.25,000/- as Court fee for the properties that are bequeathed to the Trust.

Sd/- R.S.M.J.

07.03.2019

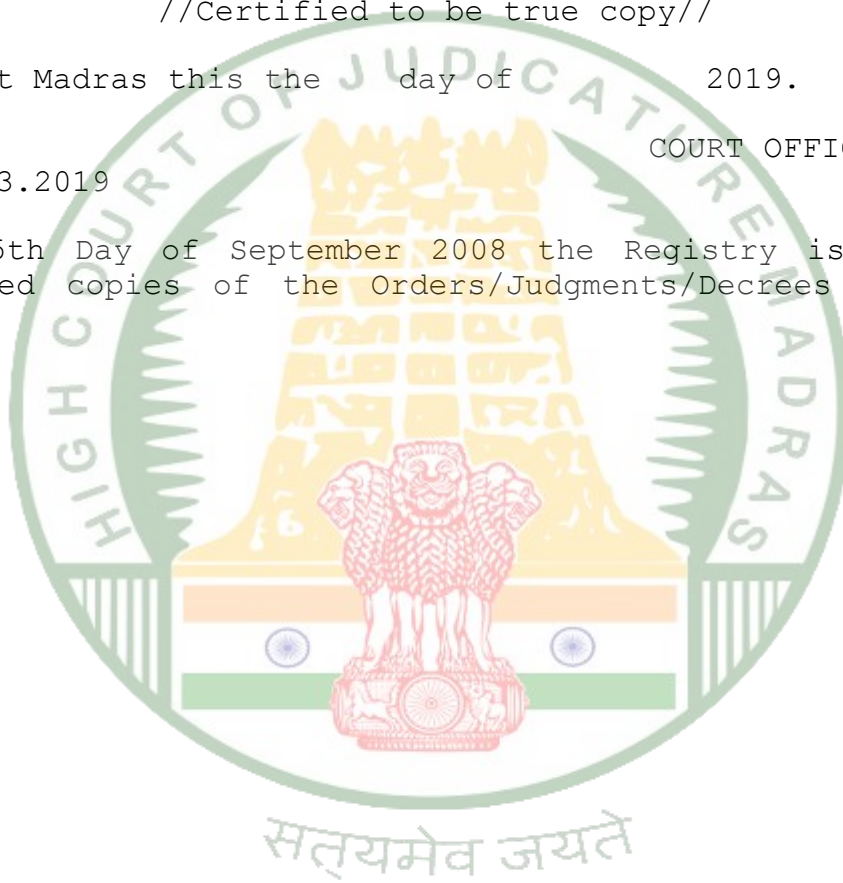
//Certified to be true copy//

Dated at Madras this the day of 2019.

COURT OFFICER(O.S.)

GJM-20.3.2019

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.



WEB COPY