

O.P.No.625 of 2019

SENTHILKUMAR RAMAMOORTHY, J

This petition has been filed under Sections 218, 278 and 243 of the Indian Succession Act 1925 read with Order XXV Rule 5 of Original Side Rules, for the grant of Letters of Administration by the husband and daughter of Mrs.Babu Kannamma who died intestate on 07.07.2003 at Flat B, 5th Floor, Tower 8, Phase 2, Hong Kong Gold Coast, Tuen Mun, New Territories, Hong Kong, leaving behind the petitioners as her only legal heirs.

2. I heard the learned counsel for the petitioners.

3. The learned counsel for the petitioners submits that the petitioners are the only Class I legal heirs of the deceased and that the present petition is filed in view of the fact that the property described in the schedule to the petition is situated within the jurisdiction of this Court. He further submitted that evidence was adduced through Mr.P.Jeyakumar, the Power of Attorney of both the petitioners. The said Mr.P.Jayakumar was examined as P.W.1 and the following eight documents were exhibited through him as Exs.P1 to P8.

- a) Ex.P1 is the original General Power of Attorney dated Nil executed by the petitioners herein appointing Sri.P.Jayakumar as their power of attorney agent.
- b) Ex.P2 is the photocopy of the true extract form of Hindu Marriage Register in respect of the marriage registered as serial number of marriage 12 of 1998 on the file of the Joint Sub Registrar-II, Karaikudi.
- c) Ex.P3 is the photocopy of the birth certificate of the 2nd petitioner Mathura Babu, who was born on 14.03.2000, issued by Births and Deaths Registry, Hong Kong (Marked after comparing and verifying with the original).
- d) Ex.P4 is the photocopy of the death certificate of Mrs.Babu Kannamma, who died on 07.07.2003, issued by the Births and Deaths Registry, Hong Kong (Marked after comparing and verifying with the original).
- e) Ex.P5 is the photocopy of the Letters of Administration dated 21.11.2006 granted in Grant No.HCAG012152/2003, by the High Court of Hong Kong Special Administrative Region Court of first Instance, in respect of the estate of the deceased Mrs.Babu Kannamma at Hong Kong (Marked after comparing and verifying with the original).
- f) Ex.P6 is the affidavit of assets showing the net value of the estate as Rs.1,52,98,775/-
- g) Ex.P7 is the copy of paper publication effected in one issue of English daily "Virtual Times" dated 17.10.2019.
- h) Ex.P8 is a copy of paper publication effected in one issue of Tamil daily "Dhina Boomi" dated 25.10.2019.

4. on the above basis, he submitted that the petitioners are entitled to the grant of Letters of Administration in respect of the assets of the deceased as mentioned in the schedule to the petition.

5. I considered the submissions of the learned counsel for the petitioners and examined the evidence recorded in this case.

6. Upon examination of such evidence, I find that the death certificate of Mrs.Babu Kannamma has been marked as Ex.P4. This document has been issued by the Births and Deaths Registry, Hong Kong. Further, the Letters of Administration dated 21.11.2006 granted in Grant No.HCAG012152/2003 by the High Court of Hong Kong Special Administrative Region Court of First Instance, in respect of the estate of the deceased, Mrs.Babu Kannamma, at Hong Kong has been marked as Ex.P5. The photocopy of the true extract from the Hindu Marriage Register in respect of the marriage between the first petitioner and Mrs.Babu Kannamma has been marked as Ex.P2 and the birth certificate of the second petitioner, which was issued by the Births and Deaths Registry, Hong Kong, evidencing that the second petitioner was born on 14.03.2000 has been marked as Ex.P3. I find that paper publication was effected in one issue of the English daily "Virtual Times" dated 17.10.2019 and one issue of the Tamil daily

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"Dhina Boomi" dated 25.10.2019, which are marked as Exs.P7 and P8 respectively. It is stated in the petition that no will was found in spite of a diligent search and, therefore, Mrs.Babu Kannamma died intestate.

7.From the foregoing, I find that the petitioners have established the case for granting Letters of Administration in respect of the estate of the deceased as set out in the Schedule to the petition. Accordingly, this Original Petition is allowed by granting Letters of Adminstration to the petitioners in respect of the property of the deceased as described in the Schedule to the petition to have effect throughout the State of Tamil Nadu. The petitioners shall execute a bond for a sum of Rs.25,000/- in favour of the Assistant Registrar (Original Side). The petitioners shall also file a true inventory and a full and true account of the property and credits of the deceased, within a period of six months and one year respectively from the date of this order.

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