

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.07.2020

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

O.P.No.726 of 2019

1.Prijita Philip

2.Lolitta Maria Philip

3.Manuel Paul Philip

... Petitioners

Prayer: Original Petition filed under Section 218 & 278 of the Indian Succession Act, 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 to the 1st petitioner Mrs.Priita Philip to have effect through out whole of Union of India.

For Petitioners : Mr.Uttam Joseph Cheriyan

ORDER

This petition has been filed invoking the provisions of Section 218 & 278 of the Indian Succession Act for grant of the Letters of Administration in respect of the property and credits of the deceased Pothen G Philip to the 1st petitioner to have effect through the Union of India. The petitioners have filed this petition for Letters of Administration without the Will annexed as the deceased had died intestate. The petitioners would contend that the properties in question belonged to one Pothen G Philip, the husband of the 1st petitioner and father of the petitioners 2 and 3. The deceased was living at Chetpet within the jurisdiction of this Court where he had died on 03.05.1999.

2. The said Pothen G Philip had left movable and immovable property which has been described in the schedule to the petition. He had not made any Testamentary disposition in respect of his properties and had died intestate. The petitioners as his wife and his children are the legal heirs of the deceased Pothen G Philip and are entitled to an equal share in the estate. The mother of the deceased Pothen G Philip, Rose Philip also

passed away on 30.10.2008 and therefore the petitioners are the only persons entitle to the properties of the deceased Pothen G Philip. The petitioners have therefore come forward to file the above petition.

3. The learned counsel appearing on behalf of the petitioners would contend that the 1st petitioner has given evidence as P.W.1 and had filed a proof affidavit and had marked Ex.P.1 to Ex.P.20, details of which are extracted herein below.

Sl.NO		Description of Documents
1	Ex.P.1	The original death certificate of Pothen G Philip.
2	Ex.P.2	The photocopy of the legal heirship certificate dated 09.07.1999 in respect of Pothen G Philip.
3	Ex.P.3	The photocopy of the promoter's agreement dated 30.07.1992 between M/s.Lokesh Builders and Mr. Pothen G Philip and Mrs.Rose G Philip.
4	Ex.P.4	The photocopy of the registered sale deed dated 15.12.1993 executed in favour of Rose Philip which was registered as Doc. No.60 of 1994 on the file of the Office of the Sub Registrar, Periamet.
5	Ex.P.5	The photocopy of the registered sale deed dated 15.12.1993 executed in favour of Rose Philip which was registered as Doc. No.61 of 1994 on the file of the Office of the Sub Registrar, Periamet.
6	Ex.P.6	The photocopy of the share certificate bearing certificate No.14953264 issued by Reliance Industries Limited standing in the name of Pothen G Philip.

Sl.NO		Description of Documents
7	Ex.P.7	The photocopy of the share certificate bearing certificate No.14953265 issued by Reliance Industries Limited standing in the name of Pothen G Philip.
8	Ex.P.8	The photocopy of the share certificate bearing certificate No.14953266 issued by Reliance Industries Limited standing in the name of Pothen G Philip.
9	Ex.P.9	The photocopy of the share certificate bearing certificate No.54131728 issued by Reliance Industries Limited standing in the name of Pothen G Philip.
10	Ex.P.10	The photocopy of the share certificate bearing certificate No.54131729 issued by Reliance Industries Limited standing in the name of Pothen G Philip.
11	Ex.P.11	The photocopy of the share certificate bearing certificate No.54131730 issued by Reliance Industries Limited standing in the name of Pothen G Philip.
12	Ex.P.12	The photocopy of the share certificate bearing certificate No.54131731 issued by Reliance Industries Limited standing in the name of Pothen G Philip.
13	Ex.P.13	The photocopy of the share certificate bearing certificate No.54131732 issued by Reliance Industries Limited standing in the name of Pothen G Philip.
14	Ex.P.14	The photocopy of the share certificate bearing certificate No.54131733 issued by Reliance Industries Limited standing in the name of Pothen G Philip.
15	Ex.P.15	The photocopy of the share certificate bearing certificate No.54131734 issued by Reliance Industries Limited standing in the name of Pothen G Philip.
16	Ex.P.16	The photocopy of the debenture certificate bearing certificate No.05724701 standing in the name of Pothen G Philip.
17	Ex.P.17	The downloaded copy of the letter dated 27.10.2018 sent by Reliance Industries Limited.
18	Ex.P.18	The downloaded copy of the transfer of bonus shares to IEPF of Reliance Industries Limited bearing certificate No.62672221 and 67058608.

Sl.NO		Description of Documents
19	Ex.P.19	The affidavit of assets showing the net value of the estate as Rs.84,83,000/-
20	Ex.P.20	The copies of paper publications effected in one issue of Tamil daily "Thina Boomi" dated 07.11.2019 and one issue of English daily "Virtual Times" dated 15.11.2019.

4. The witness has also submitted an additional proof affidavit in which she has given the reasons for taking out this petition with a delay. She would, in this additional proof affidavit submit that the earlier counsel whom the petitioners were consulting had informed the petitioners that there is no necessity to file Letters of Administration as they were the only legal heirs entitled to the property. The learned counsel would further contend that it was only in the year 2018 that they had come across certain physical share certificates and when they had requested the Company to transfer the shares in their favour and for de-mating the physical share certificates they were informed that they should obtain necessary orders from the Court and consequently the above Petition came to be filed.

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5. Heard the learned counsel for the petitioners and perused the evidence on record. Ex.P.1, the death certificate of Pothen G Philip would

show that he had died on 03.05.1999 and his legal heirs are the petitioners which is evidenced by Ex.P.2. Ex.P.3 and Ex.P.14 would show that the schedule mentioned properties belonged to the deceased Pothen G Philip. Ex.P.17 and P.19 would indicate that the company had requested the petitioners to obtain orders from the Court. The petitioners through P.W.1 have explained the reasons for delay in filing the petition for grant of Letters of Administration and from Ex.P.17 it is also seen that it was only in the year 2018 that the petitioners have been asked to enclose the copy of Letters of Administration / Probate / Succession Certificate for effecting the transfer.

6. Considering the fact that the petitioners are the only legal heirs of the deceased Pothen G Philip and who are entitled to inherit the same, the relief as claimed for is justified and the Original Petition is allowed. No costs.

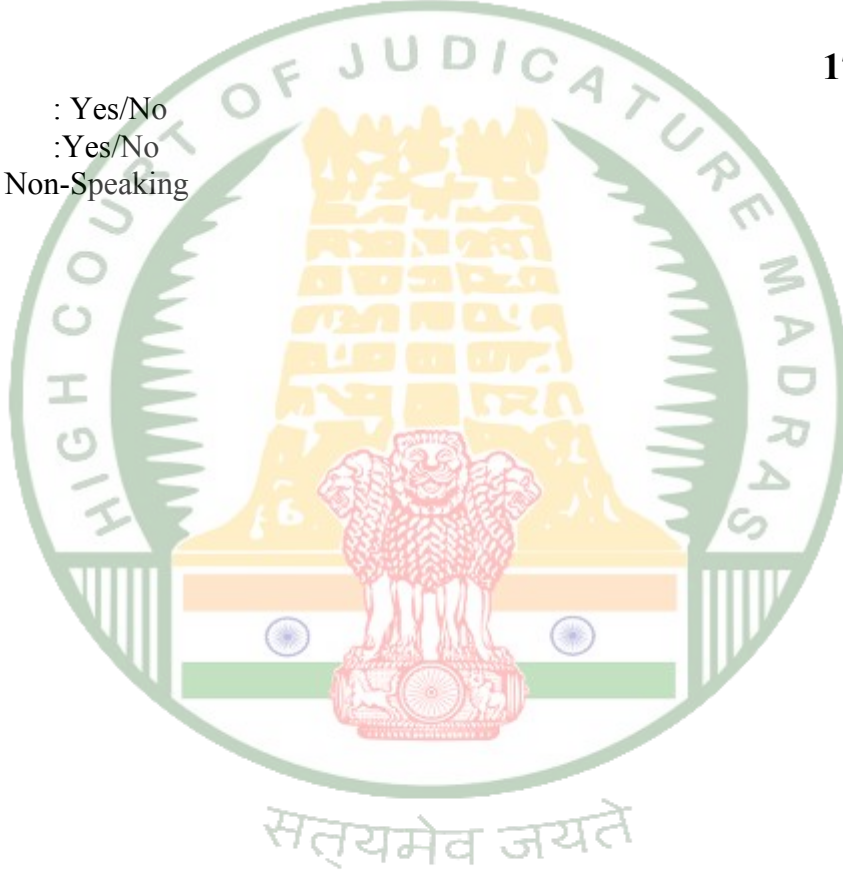
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7. The petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) in the name of the Assistant

Registrar (Original Side), High Court of Madras. In addition, the petitioners shall also provide a full and true inventory of the properties and credits and also true accounts thereof within a period of six months and one year, respectively, from the date of grant.

17.07.2020

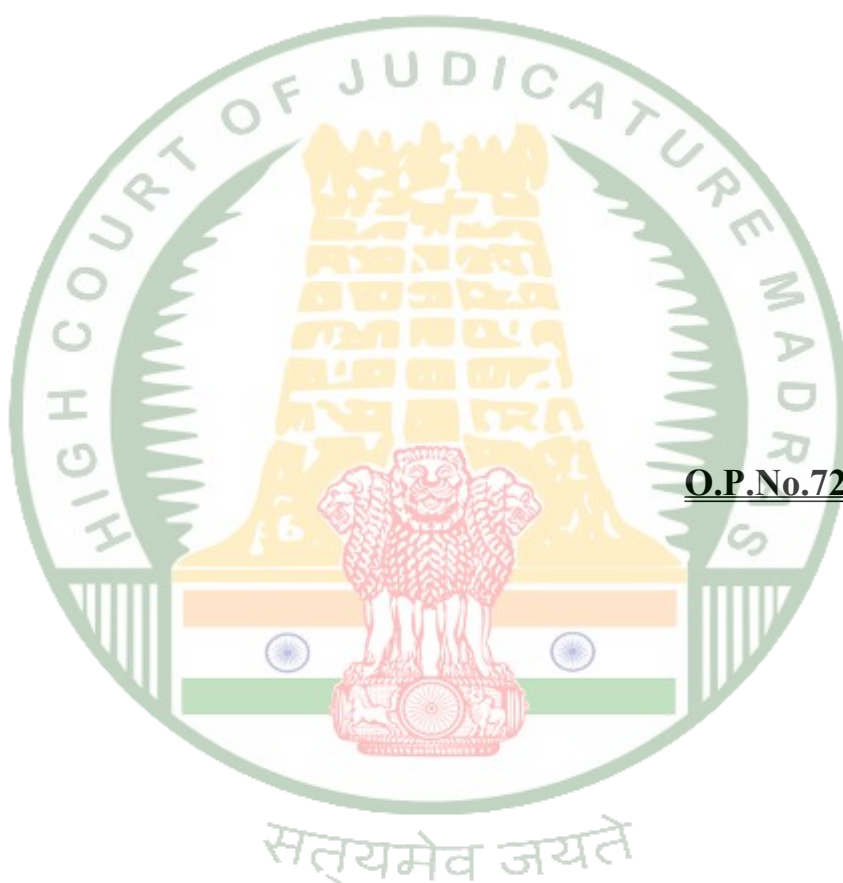
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