

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(TESTAMENTARY AND INTESTATE JURISDICTION)

MONDAY, THE 01ST DAY OF MARCH 2021

THE HON'BLE MR. JUSTICE R.PONGIAPPAN

O.P. No.199 of 2020

In the matter of the Indian
Succession Act, XXXIX of 1925
and
In the matter of Last Will and
Testament of Victoria Khan-
Deceased

1. MRS.MIRIAM SAMUEL
D/O.LATE DR.Z.KHAN-LATE VICTORIA KHAN,
W/O.SAMUEL SAMPATH KUMAR,
NO.16A, 2ND MAIN ROAD,
MARUTHI NAGAR,
RAJAKILPAKKAM,
SEMBAKKAM,
SELAIYUR,
CHENNAI-600 073

2.MRS.PADMINI NOEL THAMPOE
D/O.LATE DR.Z.KHAN-LATE VICTORIA KHAN,
W/O.MR.NOEL S.P.THAMPOE,
NO.16A, 2ND MAIN ROAD,
MARUTHI NAGAR,
RAJAKILPAKKAM,
SEMBAKKAM,
SELAIYUR,
CHENNAI-600 073,

NOW RESIDING AT NO.4,
LANTANA STREET,
BLACKBURN NORTH,
VICTORIA 3130,

AUSTRALIA, REP BY HER GENERAL POWER OF ATTORNEY,
MRS. MIRIAM SAMUEL,
D/O.LATE DR.Z.KHAN -LATE VICTORIA KHAN,
W/.SAMUEL SAMPATH KUMAR

3.MRS.JEYAKUMARI GANDHAM
D/O.LATE DR.Z.KHAN -LATE VICTORIA KHAN,
W/O.MR.MICHAEL PUSHPARAJ GANDHAM,
NO.16A, 2ND MAIN ROAD,
MARUTHI NAGAR,
RAJAKILPAKKAM,
SEMBAKKAM,
SELAIYUR,
CHENNAI-600 073,

NOW RESIDING AT 3429,
YELLOWSTONE DRIVE,
ANN ARBOR, MICHIGAN 48105,
UNITED STATES OF AMERICA,
REP BY HER GENERAL
POWER OF ATTORNEY,
MRS.MIRIAM SAMUEL,
D/O.LATE DR.Z.KHAN-LATE VICTORIA KHAN,
W/O.SAMUEL SAMPATH KUMAR

..Petitioners

Original Petition praying that this Hon'ble Court be pleased that
Letters of Administration with Will annexed may be granted to the
Petitioners as Daughters, beneficiaries/ legatees under the will of the
deceased Victoria Khan having effect thought out the State of Tamil Nadu.

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 232 and 276 of the Indian Succession Act read with Order XXV Rule 5 of the Original Side Rules, seeking to grant of Letters of Administration in respect of the last Will and Testament of Mrs. Victoria Khan.

2. This petition has been filed for grant of Letters Administration in respect of the Will of one Mrs. Victoria Khan executed on 28.08.2001 in favour of the petitioners. The Petitioner are the daughters of the testatrix Victoria Khan, who died on 27.08.2019 leaving the petitioners as her Class I legal heirs. The deceased ordinarily resided at Chennai. The husband of the deceased Dr. Z. Khan predeceased her. The said deceased at the time of his death possessed and left properties in Chennai and Kancheepuram District. The Testator has not appointed any executor in her Will. Except the petitioners, no one available to be impleaded in this petition. The amount of assets which is likely to come to the petitioners hand does not exceed in the aggregate sum of Rs. 2,52,80,500/- and the net amount of the said assets after deducting all the items, which the petitioner is by law allowed to deduct is only of the value of Rs. 2,52,60,000/-. The petitioners hereby undertake to duly administer the specified property and credits of the deceased in any way concerning her Will by paying the debts first and then

the legacies therein bequeathed so far as the assets will extend and to make full and true inventory thereof and exhibits the same in this Court within the six months from the date of the grant of a Letters of Administration with the Last Will annexed to the petition and also to render to this Court a true account of the said property within one year from the said date.

3. The 1st petitioner was examined himself as P.W.1. One of the attesting witnesses Dr.D.E.P.Jeyasingh was examined as P.W.2 and Exs.P.1 to P.12 have been marked through the witnesses.

4. The 1st Petitioner Mrs. Miriam Samuel / P.W.1 in her evidence has narrated the averments made in the petition stating that the petitioners have filed this petition for grant of Letters of Administration in their favour in respect of the Last Will and Testament executed by the deceased Mrs.Victoria Khan executed on 28.08.2001. The said Will is marked as Ex.P.1. Ex.P.2 is the computer generated death certificate of Mrs.Victoria Khan who died on 27.08.2019. Ex.P.3 is the computer generated legal heirship certificate dated 17.10.2019 in respect of Mrs.Victoria Khan. Ex.P.9 is the original general power of attorney dated 13.09.2019 executed by the 2nd and 3rd Petitioners in favour of 1st Petitioner. Ex.P.10 is the affidavit of assets showing the net value of the estate. Exs.P.11 and P.12

are the copy of paper publications effected and none objected for the same.

5. P.W.2 Dr.D.E.P.Jeyasingh is one of the attesting witnesses in the Will. In his evidence, he has stated that the testatrix has executed her last Will and Testament on 28.08.2001 in his presence and in the presence of Prof. Purushotham Samuel. He subscribed his signature as the first attesting witness along with Prof. Purushotham Samuel, who attested the will as the second attesting witness in the presence of the Testatrix. He has also stated that the testatrix was in sound state of mind while executing the Will and he has also seen the testatrix signing the Will. He further stated that the testatrix has seen the attesting witnesses subscribing their signatures in the Will. The evidence of attesting witness not only prove the execution but also attestation of the Will and there is no other material to suspect the Will.

6. In view of the above facts, I am of the view that the petitioners have proved the execution and attestation of the Will. Hence, the petitioners are entitled for the issuance of Letters of Administration in her favour.

7. Accordingly, this petition is allowed. Issue Letters of Administration in favour of the petitioners. The petitioner is directed to duly

administer the properties and credits of the deceased more fully described in the schedule. The petitioners are 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 petitioners are further directed to render true and correct accounts once in a year.

Sd/.R.P.A.J.
01.03.2021

//Certified to be a true copy//

Dated this the th day of 2021.

SU/22.03.2021.

COURT OFFICER(O.S.)

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

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