



WEB COPY

1

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

TUESDAY, THE 30TH DAY OF NOVEMBER 2021

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

O.P.No. 424 of 2020

In the matter of Indian
Succession Act, XXXIX of
1925

and

In the matter of Estate of
Mr.Lawrence Cyprian Lobo
(Intestate Deceased)

1. GERALD ANTHONY LOBO

Aged about 54 years,
S/o (Late) W.A.J. Lobo,
169, Graemes Lane,
Chennai-600006

2. JOHN LOBO

Aged about 53 years,
S/o (Late) W.A.J.Lobo,
15, Brockamin Drive, S.Penrith,
N.S.W Australia
Represented by his Power Agent,
D.C.Jolly,
S/o (Late) F.E.Jolly,
184/28, V.M.Street,
Vasanth Apartments,
Royapettah,
Chennai-600014



3. ESTHER MIRANDA

Aged about 58 years,
W/o Valerian Miranda,
1505, Glade Street,
College Station, Texas,
U.S.A Represented by her Power Agent,
Ms. Josephine Ronald,
A1, South Parade Apartments,
No.26, Ramappa Nagar,
Perungudi, Chennai-600096

..Petitioners

-Vs-

1. RAYMUND LOBO

Aged about 51 years,
S/o (Late) W.A.J. Lobo,
169, Graemes Lane,
Chennai-600006

2. LAURA ANN SHAHANI

Aged of 56 years,
W/o Baldev Shahani,
G-A, Temple Rock Apartments,
No.44, New Avadi Road,
Kilpauk, Chennai-600010

..Respondents

Original Petition praying that this Hon'ble Court be pleased to grant Letters of Administration to the Petitioners to the property and credits of the deceased Mr. Lawrence Cyprian Lobo, which are more fully set out in the schedule in the petition.

This Original Petition coming on this day before this court for hearing the court made the following order:

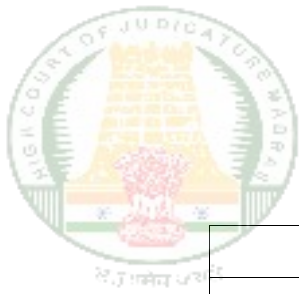


This petition has been filed seeking for grant of letters of administration.

2. The petitioners and the respondents are the children of Mr.W.A.J.Lobo who predeceased his only brother, Mr.Lawrence Cyprian Lobo (testator) on 05.07.1979. The deceased Lawrence Cyprian Lobo died issueless on 15.01.1997 and his wife Johanna Lobo also died thereafter on 11.12.2009 and his only brother W.A.J.Lobo also predeceased him on 05.07.1979. Therefore the petitioners and the respondents being the sons of W.A.J.Lobo who is the brother of the Lawrence Cyprian Lobo are now claiming letters of administration for the properties/assets left behind by their paternal uncle Lawrence Cyprian Lobo.

3. Before the learned Master, the following documents were marked as Exhibits P1 to P8 through the petitioner Gerald Anthony Lobo who was examined as PW1 on behalf of other petitioners also.

<i>Exhibits</i>	<i>Nature of Documents</i>
P1	Settlement Deed in favour of the deceased Lawrence Cyprian Lobo dated 05.04.1950 registered as Doc.No.230 of 1950 at SRO, T.Nagar.
P2	Computer generated death certificate of my senior paternal uncle Lawrence Cyprian Lobo who died on 15.01.1997.
P3	Computer generated death certificate of



WEB COPY

<i>Exhibits</i>	<i>Nature of Documents</i>
	Johanna Engelina @ Johanna Lobo who died on 11.12.2009
P4	Judgement in TOS.No.49 of 2001 dated 06.09.2018 passed by this Court
P5	Paper publication effected in one issue of Tamil daily “Makkal kural” dated 22.01.2021
P6	Paper publication effected in one issue of English daily “Trinity Mirror” dated 01.02.2021.
P7	Affidavit of assets showing the net value of the estate as Rs.30,00,00,000/-
P8	Joint consent affidavit given by the 1 st and 2 nd respondent stating that they have no objection in grant of letters of Administration as prayed for in this petition

4. The respondents have also been duly served and they are represented by Mr.S.L.Sudarsanam, learned counsel. The respondents have also filed their consent affidavit which has been marked as Ex.P8 before the learned Master stating their no objection for grant of Joint Letters of Administration in favour of the petitioners as well as the respondents.

5. As seen from the evidence available on record, the testator Lawrence Cyprian Lobo died on 15.01.1997 and his wife Johanna Lobo also died subsequently on 11.12.2009 and they are issueless. Infact as seen from Ex.P4, a third party had filed a petition seeking for probate which was later converted to TOS.No.49 of 2001 on the objection raised by the petitioners and the said TOS came to be dismissed by this Court on 06.09.2018.



Admittedly, no appeal has also been filed against the judgment dated 06.09.2018 passed in TOS.No.49 of 2001 under which the probate sought for by the third party was dismissed.

6. The learned counsel for the petitioners submits that only due to the reason that the petitioners' and the respondents' father died as early as on 05.07.1979 itself, they have not produced the legal heirship certificate for their father W.A.J.Lobo.

7. This Court is satisfied with the reasons given by the petitioners for non production of legal heirship certificate for their father W.A.J.Lobo who died on 05.07.1979.

8. The petitioners and the respondents being the children of the deceased W.A.J.Lobo who is the only brother of Lawrence Cyprian Lobo who died on 15.01.1997 are now entitled for grant of letters of administration for the deceased Lawrence Cyprian Lobo. The evidence placed on record before this Court enables the petitioners as well as the respondents to obtain letters of administration in respect of properties and assets left behind by their paternal uncle Lawrence Cyprian Lobo who died



WEB COPY

9. Accordingly, this petition is allowed as prayed for by granting letters of administration in favour of the petitioners and the respondents in respect of properties /assets left behind by their paternal uncle, Lawrence Cyprian Lobo who died on 15.01.1997.

10. Issue Joint Letters of Administration in favour of the petitioners as well as the respondents. The petitioners as well as the respondent are directed to duly administer the properties and credits of the deceased more fully described in the schedule. The petitioners as well as the respondents 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 as well as the respondents are further directed to render true and correct accounts once in a year.

Sd/.A.Q.J.
30.11.2021

//Certified to be a true copy//

Dated at Madras this the day of 2021.

SU./09.12.2021

COURT OFFICER(O.S.)

From 25.09.2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.