



O.P.No.810 of 2021

C.V.KARTHIKEYAN, J.

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The petition has been filed seeking Letters of Administration with the Will dated 17.03.2017 annexed and also annexed with the certified copy of the Probate granted by the High Court of Malaya at Johor Bahru, Malaysia, date 28.11.2019.

2. The Will dated 17.03.2017 had been executed by Ms.Chittur Thangavelu Padmavathy, who died on 20.10.2019.

3. The 1st, 2nd and 3rd respondents are the brothers of the deceased and the 4th to 11th respondents are the sons and daughters of the said brothers.

4. Ms.Chittur Thangavelu Padmathy died at Malaysia. She was a resident of Malaysia. She had incidentally possessed properties within the State of Tamil Nadu. She had executed a Will dated 17.03.2017.

5. Seeking Probate of the Will, an application has been filed before the High Court of Malaysia and Probate was also granted after following due procedure by Ex.P4, dated 25.08.2019.

6. Before this Court, the service of the 1st to 6th and 9th to 11th respondents was completed on 01.03.2022 and on the 7th and 8th respondents was completed on 26.02.2022.

7. Three of the respondents, namely the 1st, 7th and 8th respondents had given their consent affidavits.

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8. The petitioner is one of the Executor under the Will. The petitioner examined herself as P.W.1. The document with respect to the property within the State of Tamil Nadu was marked as Ex.P1. The Death Certificate of Ms.Chittur Thangavelu Padmavathy was marked as Ex.P2. The copy of the Will was marked as Ex.P3. As stated, the copy of the Probate Certificate, dated 25.10.2019 granted by the High Court of Malaysia was marked as Ex.P4. The affidavit of the attesting witnesses were marked as Ex.P6. The affidavit of the other two Executors relinquishing their obligations as executors was marked as Ex.P7. The consent affidavits of the 1st, 7th and 8th respondents were marked as Ex.P8.

9. The learned counsel Mr.R.Mukundan insisted that the Letters of Administration can be granted as the Will had been proved in manner known to law in the High Court of Malaysia and the said Court after following due procedure had granted Probate. It is stated by the learned counsel that the Letters of Administration is required since one of the properties is situated within the jurisdiction of this Court.

10. In view of the points raised and also taking advantage of Section 255 of the Indian Succession Act, 1925 in that regard, Letters of Administration is granted as prayed for. The petitioner 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.

30.09.2022

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