



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

WEDNESDAY, THE 08TH DAY OF JUNE 2022

THE HON'BLE MR. JUSTICE KRISHNAN RAMASAMY

O.P.No.783 of 2019

In the matter of Indian Succession
Act, 1925(Act 39 of 1925) and
and
In the matter of Indian Succession
Act, 1925; and
In the matter of certified copy of
Probate order along with Copy of Will
dated 15.10.2017 of Kousalya, I/K
Balakrishnan, deceased

MAHENDRAN NAIDU A/L BALAKRISHNAN,
S/o.Balakrishnan
No.14, Jala Suria Tiga,
Taman Suria,
81100, Johor Bahru,
Johor, Malaysia

..Petitioner

-Vs-

1. MAHESWARI NAIDU
A/P Balakrishnan
21, Jalan Belibis 19,
Taman Perling, Johor Bahru,
Johor, West Malaysia

2. MANJULA NAIDU
A/P Balakrishnan

3. Eordyce Close, Emerson park,
Hornchurch RM 11 3LE, Essex, UK



3. MALINI NAIDU
A/P Balakrishnan 58,
Havelock Road, #32-164,
Singapore - 161058

..Respondents

This original petition praying that this Hon'ble court be pleased that Letters of Administration with certified copy of the probate granted by the Hon'ble High Court of Malaya in Johor Bahru Malaysia, annexed with copy of Will and the properties and credits of deceased having effect limited to the Union of India may be granted to the petitioner.

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 228 & 276 of Indian Succession Act (Act 39 of 1925) R/w. Order XXV Rule 5 of Original Side Rules 1956, seeking for grant of Letters of Administration.

2.The case of the petitioner is that the petitioner's mother namely Kousalya passed away on 27.02.2018. Further, that the deceased Kousalya executed a Will dated 15.10.2017. The said Will was also probated at Malaysia. Thereafter, he filed the present petition to administer the properties of the deceased Kousalya.



3. In order to establish the case of the petitioner, the petitioner was examined as P.W.1 and following documents Viz., Exts.P.1 to P.9 were marked;

(1) Ext.P1 is the photocopy of the death certificate of Kousalya Balakrishnan

(2) Ext.P2 is the certified copy of the probate order dated 03.07.2018 passed by High Court of Malaya in Johor Bahru in the state of Johor Darul Takzim.

(3) Ext.P3 is the photocopy of the Development Agreement dated 27.03.2004

(4) Ext.P4 is the photocopy of the property tax demand card (Compared with the original).

(5) Ext.P5 is the affidavit of assets showing the net value of the estate as Rs.34,90,000/-.

(6) Ext.P6 is the consent affidavit given by the 1st respondent.



(7) Ext.P7 is the consent affidavit given by the 2nd respondent.

(8) Ext.P8 is the consent affidavit given by the 3rd respondent.

(9) Ext.P9 (series 2 Nos) are the copies of paper publications effected in one issue of Tamil daily "Makkal Kural" dated 05.02.2021 and one issue of English daily "Trinity Mirror" dated 11.02.2021.

4.As far as the respondents are concerned, they are the sisters of the petitioner and they have already given consent for grant of letters of administration in favour of the petitioner and as already indicated, the said consent affidavits were marked as Exts.P.6, P.7 and P.8.

5. Considering the averments made in the petition and on perusing the materials available on record, I am satisfied that the petitioner is entitled to the issuance of Letters of Administration.

6. Accordingly, this petition is allowed. Issue Letters of Administration in favour of the petitioner. The petitioner is directed to duly administer the properties and credits of the deceased more fully described in the schedule. The petitioner is 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 petitioner is further directed to render true and correct accounts once in a year.

Sd/.K.R.J.
08.06.2022

//Certified to be a true copy//

Dated at Madras this the day of 2022.

SU/16.06.2022

COURT OFFICER(O.S.)

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