



O.P.No.786 of 2019

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C.V. KARTHIKEYAN, J.

The Original Petition has been filed, taking advantage of Sections 218 and 278 of Indian Succession Act, 1925, seeking Letters of Administration without Will relating to the estate of Mr.Anthony Stanislaus @ Mr.Tony Pinto, who died intestate on 22.08.2008.

2.He had died at Belgaum and ordinarily resided at Mumbai, but had left behind properties within the jurisdiction of this Court. The schedule of the property has been described in the petition and it is landed property and building at No.71, Main Road, Royapuram, Madras.

3.It is stated that the 1st and 2nd respondents have an undivided 1/3rd share in the said property and the petitioner and the 3rd and 4th respondents have an undivided 1/3rd share each. Pending the proceedings, the 2nd respondent died and his legal representatives were brought on record as 5th and 6th respondents.

4.After following due process, the petitioner was directed to tender evidence.

5.The petitioner examined himself as PW-1. The extract from the Baptism Register issued by Mater Dolorosa Church, Royapuram, Chennai-13 in respect of Anthony Stanislaus was marked as Ex.P-1. The copy of the Family Settlement Deed dt.27.03.1968, was marked as Ex.P-2. The Death Certificates of

Mr.Joan Pinto, Mrs.Pamela Rose Weller, Mr.Luis Xavier Pinto, Mrs.Leena Pinto



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and Mr.Tony Pinto, were marked as Exs.P.3 - P.7. The affidavit of assets were marked as Ex.P-8.

6.In view of the evidence produced, Letters of Administration is granted to the petitioner to administer the property. He must also ensure that if at all the property is to be dealt with, the shares of the respondents in the sale consideration should be kept separately and be paid to them. If the property is to be let out on lease or rent, then the proportional share of the rental amount or lease amount is also be shared with the respondents in the proportion to which they are entitled to the property.

7.With the above conditions, Letters of Administration is granted to the petitioner. 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.

17.11.2022

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Today, the matter had been listed under the caption "For Being Mentioned".

2.A Memo had been filed by the learned counsel for the petitioner indicating that the spelling of the 4th respondent Mr.Martin Fedeliss Weller, should actually be Mr.Martin Fideless Weller. A fresh order copy may be issued by correcting the aforementioned spelling mistake of the 4th respondent.

3.There is also one another issue namely, clarification in paragraph No.3 of the order dated 17.11.2022, wherein it should be mentioned that the 3rd and 4th respondents together have an undivided 1/3rd share and therefore, the word "each" should be deleted.

4.Aforementioned two corrections may be made and a fresh order copy may be issued to the respective learned counsel.

17.07.2023

AP

Internet : Yes