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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **20.07.2023**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

O.P.No. 362 of 2023

R.Shila … Petitioner

Original Petition is filed under Section 228 & 276 of the Indian Succession Act, 1925 read with Order XXV Rule 5 of the Original Side Rules, 1956 to grant Letters of Administration with the certified copy of probate, along with the copy of last Will and testament dated 12.05.2011 granted by the High Court of Malaya, Kuala Lampur, executed by late Mrs.M.P.Sukumari annexed, to the petitioner as executor / beneficiary under the Will of deceased to have effect throughout the Union of India.

For Petitioner : Mr.Sharath Chandran

ORDER

This Original Petition has been filed under Section 228 & 276 of the Indian Succession Act, 1925 read with Order XXV Rule 5 of the Original Side Rules, 1956 to grant Letters of Administration with the certified copy of probate, along with the copy of last Will and testament dated 12.05.2011 granted by the High Court of Malaya, Kuala Lampur, executed by late Mrs.M.P.Sukumari annexed, to the petitioner as executor / beneficiary

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under the Will of deceased to have effect throughout the Union of India.

2. The averments in the petition are as follows:-

The Will dated 12.05.2011 executed by one K.Ramakrishna Menon at Kuala Lumpur, Malaysia was probated by virtue of an order dated 02.06.2022 made by the High Court of Malaya at Kuala Lampur in Originating Summons WA-32 Ncvc-1080-04/2022. The petitioner is the daughter of the said testator K.Ramakrishna Menon. The mother of the petitioner M.P.Sukumari executed a Will on the same day and the said Will has also been probated by the order of the High Court of Malaya at Kula Lampur in Originating Summons WA-32NCvc-1082-04/2022. The said K.Ramakrishna Menon died on 25.12.2020 and subsequently his wife M.P.Sukumari also died on 19.04.2021. The properties in the Will are situated in Chennai and as well as beyond the limits of the territorial jurisdiction of this Court. In both the Will, the petitioner has been nominated as the executor of the Will and she is also a beneficiary. Now this petition has been filed seeking grant of Letters of Administration and a certificate copy of the probate along with the last Will and testament dated 12.05.2011 granted by the High Court of Malaya, Kula Lampur executed by late M.P.Sukumari.

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3. Since the Will has already been probated after being deposited at the Foreign Court of competent jurisdiction, the production and proof of the Will did not arise once again as per Section 228 of the Indian Succession Act, 1925. For the sake of clarity, the Section 228 of the Indian Succession Act is extracted hereunder:

> ***"228. Administration, with copy annexed, of authenticated copy of will proved abroad.****-When a will has been proved and deposited in a Court of competent jurisdiction situated beyond the limits of the State, whether within or beyond the limits of 1*[India], and a properly authenticated copy of the will is produced, letters of administration may be granted with a copy of such copy annexed."*

4. Since the petitioner claims under the above provision, the production of original Will is dispensed. On perusal of the records it is seen that the certified copy of the probate along with the copy of the Will dated 12.05.2011 has also been produced and the same is perused.

5. Since some of the properties involved in this Will are situated at Chennai, the Letters of Administration as requested by the petitioner in respect of the properties furnished in the affidavit has to be granted.

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6. Hence, this Original Petition is allowed by granting Letters of Administration to the petitioner with the copy of the Will and testament dated 12.05.2011 granted by the High Court of Malaya, Kuala Lampur, executed by late Mrs.M.P.Sukumari & Mr.K.Ramakrishna Menon. Such Letters of Administration shall have effect throughout the Union of India. The petitioner is directed to execute a security bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) in the name of the Assistant Registrar (Original Side) of this Court. The petitioner is further directed to file an inventory of assets and statement of accounts within a period of six months and one year, respectively.

20.07.2023

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Internet :Yes/No
Speaking: Non speaking
Neutral:Yes/ No

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