



O.P.No.36 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2023

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THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

O.P.No.36 of 2018

Ms.Ranjini Cariappa

... Petitioner

vs.

Roshini Cariappa

... Respondent

PRAYER: Original Petition filed under Sections 228 & 276 of Indian Succession Act, 1925 under Order XXV Rule 5 of Original Side Rules, praying that this Court may be pleased to grant Letters of Administration to the property and credits of the deceased to having effect limited to the State of Tamil Nadu may be granted to her.

For Petitioner : Mr.Zaffarullah Khan

For Respondent : ---



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ORDER

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The petitioner seeks Letters of Administration with the last Will and testament dated 25.10.2013 of her mother, Mrs.Changanda Thangamma Cariappa, annexed thereto. The petitioner asserts that her brother, the late Mr.Changanda Prakash Cariappa, executed a Will dated 22.10.1992. In terms thereof, Mrs.Roshini Cariappa, the respondent herein, was appointed as the executrix. Under the said will, the property at Chennai was bequeathed to the petitioner's mother, Mrs.Changanda Thangamma Cariappa. The petitioner's mother, in turn, executed a Will dated 25.10.2013. Under the said will, the Chennai property was bequeathed to the petitioner. The petitioner states that her mother's Will was subject to proceedings before the Nassau County Surrogate's Court, New York and that Letters Testamentary were issued on 06.04.2015.

2. Upon service of notice on the respondent, who is the sister-in-law of the petitioner, it is stated that counsel entered appearance but failed to prosecute the matter.



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3. In order to establish entitlement to the relief claimed, the petitioner adduced evidence by examining herself as P.W.1. In course of the examination in chief of P.W.1, the eight documents listed at the foot of this order were exhibited as Exs.P1 to P8. The Will executed by Mr.Changanda Prakash Cariappa(Ex.P1) discloses that he bequeathed the property at Chennai in favour of the petitioner's mother, Mrs.Changanda Thangamma Cariappa. Probate was granted in respect of this Will by the Nassau County Surrogate's Court, New York. The last Will and testament of Mrs.Changanda Thangamma Cariappa(Ex.P5) was attested by three witnesses. Under this Will, the property at Chennai has been bequeathed to her daughter, Ranjini C. Cariappa, the petitioner herein. The death certificate of the testatrix (Ex.P6) discloses that she died at Nassau, New York State on 02.10.2014. Upon her death, the petitioner applied to the Nassau County Surrogate's Court for the right to administer the estate and has placed on record the communication dated 06.04.2015 from the Court as evidence of issuance of Letters Testamentary(Ex.P3 and P5). Paper publications were effected(Exs.P7 & P8).



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4. Since Letters Testamentary were issued by the competent court in Nassau, New York, as per Section 228 of the Indian Succession Act, 1925, letters of administration may be issued by this Court upon receipt of a properly authenticated copy of the Will.

5. Based on the assertions in the petition and the evidence adduced in support thereof, the petitioner is entitled to the relief claimed. Therefore, O.P.No.36 of 2018 is allowed by directing that letters of administration be issued to the petitioner with the Will dated 25.10.2013 of Mrs. Changanda Thangamma Cariappa annexed thereto. Such letters of administration shall have effect throughout the State of Tamil Nadu. The petitioner shall 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 shall also provide an inventory of assets and file a statement of accounts within a period of *six months* and *one year*, respectively.

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Petitioner's witness:

P.W.1 - Ms.Ranjini Cariappa

Documents exhibited by the petitioner:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Photocopy of the decree granted in probate in File No.2014-378160 in respect of Will executed by Mr. Changanda Prakash Cariappa.
Ex.P2	Certified copy of appointment of executor in respect of estate of Changanda Thangamma Cariappa dates 02.10.2014.
Ex.P3	Photocopy of the letter of appointment of executor dates 06.04.2015.
Ex.P4	Photocopy of the last Will executed by Changanda Prakash Cariappa dated 22.10.1992.
Ex.P5	Photocopy of the last Will executed by Changanda Thangamma Cariappa dated 25.10.2013.
Ex.P6	Photocopy of the death certificate of Changanda T.Cariappa.
Ex.P7	Copy of paper publication effected in one issue of Tamil Daily "Dina Kural" dated 28.07.2021.
Ex.P8	Copy of Paper publication effected in one issue of English Daily "Southern Mail" dated 05.08.2021.

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