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O.P.No.195 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **28.04.2023**

CORAM

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**
O.P.No.195 of 2022

1.Nirav H Engineer
2.Radhika Jignesh Shah

... Petitioners

PRAYER: Original Petition filed for issuance of Letters of Administration under Section 218 & 278 of the Indian Succession Act, r/w.XXV Rule 5 of the Original Side Rules, prays that the Letters of Administration to the properties and credits of the deceased.

For Petitioner : Mrs.R.Vinodhini

ORDER

This Original Petition has been filed for issuance of Letters of Administration in respect of the property and credits held by Geeta H.Engineer, who died intestate on 06.03.2014. The first petitioner is the son and the second petitioner is the daughter of the deceased Geeta H.Engineer. The petitioners seek issuance of Letters of Administration in respect of the over the scheduled mentioned property and credits situate within the jurisdiction of this Court.



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2. The petitioners submit that their mother (Geeta H.Engineer) and Harish Engineer, who is the elder brother of the petitioners father late Himansu Hansubhai Engineer, had jointly purchased an immovable property being a Flat bearing No. 612 along with undivided share of land measuring an extent of 390 $\frac{3}{4}$ Sq.Ft. situated at Old No.10 (New No.157) Beracah Road, Kilpauk. The same was duly registered on 21.07.1989 vide Doc.No.1595 of 1989 on the file of SRO Purasaiwakkam. The deceased owned and possessed the right, title and interest over half share over the said schedule mentioned property.

3. The first petitioner is examined as P.W.1. He has produced the death certificates of the deceased Geeta H.Engineer and Himansu Hansubhai Engineer (husband of Geeta H.Engineer), as Exs.P4 and P1. The certified copy of the sale deed dated 05.04.1989, which has been marked as Ex.P2. The second petitioner has given her consent to grant Letters of Administration in favour of the first petitioner, and her consent affidavit is marked, as Ex.P9. A paper publication has been made and any objections have not been received.

4. In view of the above said evidence, this Original Petition is ordered



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and Letters of Administration is granted in favour of the first petitioner, in respect of the property and credits held by Geeta H.Engineer. The first 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 first petitioner is further directed to file an inventory of assets and statement of accounts within a period of six months and one year, respectively.

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Index :Yes/No

Speaking order: Yes/ No

Neutral Citations: Yes/ No

Petitioner's witness:

P.W.1 - Mr.Nirav H Engineer

Documents exhibited by the petitioner:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Photocopy of the death certificate of Himansu Hansubhai Engineer
Ex.P2	Certified copy of the Sale Deed dated 05.04.1989 (witness states that the original Sale Deed has been lost and a police complaint lodged before the Greater Mumbai Police on 15.03.2022 bearing Lost Report No.4532-2022. The same has been averred in para 2 and page 2 of his prof affidavit. This document is marked subject to its admissibility, proof and relevancy)
Ex.P3	Photocopy of the police complaint in respect of lost document



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<i>Exhibits</i>	<i>Documents</i>
	(Ex.P2) lodged with Greater Mumbai Police dated 15.03.2022 and the report given by said Police Station bearing report No.4532-2022
Ex.P4	Computer generated death certificate of Mrs.Geeta Hamansu Engineer
Ex.P5	Photocopy of the Aadhaar card of Geeta H.Engineer
Ex.P6	Computer generated encumbrance certificate for the period 01.01.1975 to 10.08.2021 in respect of the petition mentioned property
Ex.P7	Photocopy of the 1 st petitioner's Aadhaar card
Ex.P8	Photocopy of the Aadhaar card of the 2 nd petitioner
Ex.P9	Consent affidavit given by the 2 nd petitioner
Ex.P10	Affidavit of assets showing the net value of the estate as Rs.11,50,000/-
Ex.P11	Copy of paper publication effected in one issue of Tamil daily "Dina Kural" dated 23.10.2022
Ex.P12	Copy of paper publication effected in one issue of English daily "Southern Mail" dated 15.10.2022

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