



O.P.No.561 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **07.02.2023**

CORAM

THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

O.P.No.561 of 2022

Thomas Verghese

... Petitioner

PRAYER: Original Petition filed under Sections 218 and 278 of the Indian Succession Act, 1925 (Act XXXIX of 1925) Read With Order XXV Rule 5 of O.S.Rules, prays that Letters of Administration to the property and credits of the said Mr.Thomas Verghese (Sr.), the deceased to have effect limited to the State of Tamil Nadu may be granted to the Petitioner, Mr.Thomas Verghese, as son and sole surviving legal heir of the deceased.

For Petitioner : Mr.Benjamin E Moses



O.P.No.561 of 2022

ORDER

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The petitioner seeks the grant of letters of administration in respect of the estate of his late father, Mr.Thomas Verghese (Sr.).

2. The petitioner asserts that his father, Mr.Thomas Verghese (Sr.), ordinarily resided at Ayanavaram, Chennai, which is within the jurisdiction of this Court and died intestate on 08.05.2013. The petitioner also asserts that no Will was found in spite of a diligent search for the same.

3. The petitioner further states that his mother died on 29.06.2019. Apart from the petitioner, it is stated that his parents had a daughter, Ms.Elizabeth Thomas Verghese, who died unmarried and without children on 10.10.2012. Therefore, the petitioner asserts that he is the only surviving legal heir.

4. In paragraph 10 of the petition, the petitioner provided an explanation for filing the petition belatedly.



O.P.No.561 of 2022

WEB COPY

5. In order to prove the Will and establish entitlement to the relief claimed, the petitioner adduced evidence by examining himself as P.W.1. In course of the examination in chief of P.W.1, the 8 documents listed at the foot of this order were exhibited as Exs.P1 to P8. The death certificate of the petitioner's father (Ex.P1) indicates that he died on 08.05.2013. The said document also specifies the name of the petitioner's mother as Elizabeth Verghese. The death certificate of the petitioner's mother (Ex.P3) discloses that she died on 29.06.2019. The legal heirship certificate in respect of the petitioner's father (Ex.P2) discloses the name of the petitioner's mother and the petitioner. The death certificate of the petitioner's sister (Ex.P5) discloses that she died on 10.10.2012. The said document also discloses the name of her father as Thomas Verghese. Paper publications were effected (Exs.P7 and P8).

6. Based on the assertions in the petition and the evidence adduced in support thereof, the Will stands duly proved. Consequently, the petitioners are entitled to the relief claimed.



O.P.No.561 of 2022

WEB COPY

7. For reasons set out above, O.P.No.561 of 2022 is allowed by issuing letters of administration to the petitioner in respect of the assets described in the affidavit of assets. 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 provide an inventory of assets and statement of accounts within a period of *six months* and *one year*, respectively.

07.02.2023

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Index : Yes / No

Internet : Yes / No

Petitioner's witness:

P.W.1 - Mr.Thomas Verghese

Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Computer generated death certificate of Thomas Verghese (Sr.).
Ex.P2	Photocopy of the Legal Heirship certificate of Mr.Thomas Verghese (Sr.) (Compared with the original).



O.P.No.561 of 2022

<i>Exhibits</i>	<i>Documents</i>
Ex.P3	Photocopy of the death certificate of Mrs.Elizabeth Verghese (Compared with the original).
Ex.P4	Photocopy of the Legal Heirship certificate of Mrs.Elizabeth Verghese (Compared with the original).
Ex.P5	Computer generated death certificate of Mrs.Elizabeth Thomas Verghese (Compared with the original).
Ex.P6	Affidavit of assets showing the net value of the estate as Rs.15,53,000/-.
Ex.P7	Copy of paper publication effected in one issue of English daily "Trinity Mirror" dated 12.11.2022.
Ex.P8	Copy of paper publication effected in one issue of Tamil daily "Makkal Kural" dated 23.11.2022.



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O.P.No.561 of 2022

SENTHILKUMAR RAMAMOORTHY,J

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O.P.No.561 of 2022

07.02.2023