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O.P.No.96 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **14.09.2023**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

O.P.No. 96 of 2023

1. Puthiya Kottal Mohammed Abdullah
2. Puthiya Kottal Zeenath Afroz Rahim

Represented by Power Agent
Abdullah C C O P

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Petitioners

Original Petition is filed under Section 218 & 278 of the Indian Succession Act, 1925 (Act XXXIX of 1925) read with Order XXV, Rule-5 of Original Side Rules, 1956 to grant Letters of Administration to the property and credits of the deceased to have effect throughout the State of Tamil Nadu to the petitioners.

For Petitioner : Ms.J.Sree Vidya

ORDER

This Original Petition has been filed under Section 218 & 278 of the Indian Succession Act, 1925 (Act XXXIX of 1925) and under Order XXV, Rule-5 of Original Side Rules seeking to grant Letters of Administration to the property and credits of the deceased to have effect throughout the State of Tamil Nadu to the petitioners.



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

The petition mentioned securities, bank balance and properties were originally belonged to one Nasser Abdullah. The said Nasser Abdullah died as a bachelor on 20.11.2020 and hence he did not have any issues of his own. The parents of Nasser Abdullah predeceased him. The petitioners who are the brother and sister of Nasser Abdullah, as Class – II legal heirs are entitled to inherit the petition mentioned property. Hence they have filed this petition seeking Letters of Administration.

3. Both the petitioners have executed Power of Attorney in favour of the son of the first petitioner. The power agent was examined as P.W.1 and Ex.P1 to P23 were marked.

4. Ex.P1-death certificate would show that Nasser Abdullah died on 20.11.2020. The original Power of Attorney dated 07.02.2022 executed by the first and second petitioners are marked as Exs.P4 & P5 respectively. Exs. P7 and P8 are the death certificates of parents of Nasser Abdullah.

5. Paper publication issued in one issue of Tamil daily “Makkal Kural” on 15.06.2023 and in one issue of English daily “Trinity Mirror” on



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23.06.2023 did not attract any objectors.

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6. Since Nasser Abdullah died intestate by leaving behind the petitioners as his only legal heirs and the petitioners have proved their claim with all relevant documents, there is no difficulty in granting Letters of Administration as requested by the petitioners.

7. Hence, this Original Petition is allowed by granting Letters of Administration to the petitioners who are represented through their Power Agent, in respect of the petition mentioned properties and assets. The Letters of Administration shall have effect throughout the State of Tamil Nadu. The petitioners are 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 petitioners are 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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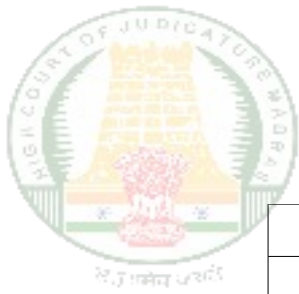
APPENDIX

Petitioner's witness:

P.W.1 –Abdullah

Documents marked:

<i>Exhibits</i>	<i>Documents</i>
P1	Death certificate of Naseer Abdullah
P2	Aadhaar Card of Naseer Abdullah
P3	PAN card of Naseer Abdullah
P4	Original Power of Attorney dated 07.02.2022 executed by first petitioner
P5	Original Power of Attorney dated 23.02.2022 executed by second petitioner
P6	Relationship certificate dated 18.03.2021 issued by the Tahsildar, Mylapore Taluk.
P7	Death certificate of T.T.P.Abdullah
P8	Death certificate of P.K.Nafeesa Abdullah
P9	Online print out statement as on 06.11.2021 in respect of Demat Account of Naseer Abdullah
P10	Letter issued by IndBank Merchant Banking Services Limited dated 06.12.2021
P11	Letter dated 25.10.2021 issued by MRF Limited addressed to the first petitioner.
P12	Photocopy of share certificate held by Naseer Abdullah
P13	Photocopy of the letter dated 19.03.2022 issued by HDFC Bank
P14	Photocopy of the letter dated 27.05.2022 issued by State Bank of India
P15	Photocopy of the letter issued by Indian Bank
P16	Photocopy of the letter dated 13.06.2022 issued by Canara Bank, Gopalapuram Branch
P17	Photocopy of the letter dated 20.02.2023 issued by State Bank of India, Gopalapuram Branch
P18	Photocopy of the letter dated 13.06.2022 issued by State Bank of India, Anna Salai Branch
P19	Affidavit of assets



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<i>Exhibits</i>	<i>Documents</i>
P20	Paper publication dated 15.06.2023
P21	Paper publication dated 23.06.2023
P22	Copy of the sale deed dated 26.02.1979
P23	Copy of the sale deed dated 02.09.1996

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