



O.P.No.768 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **01.08.2023**

CORAM:

**THE HONOURABLE MS.JUSTICE R.N.MANJULA**

O.P.No. 768 of 2022

Hamidah

...

Petitioner

Vs.

1. Fathima Marecan

2. Siyamah Abdul Rahiman

.... Respondents

Original Petition is filed under Section 218 & 278 of the Indian Succession Act, 1925 read with Order XXV Rule 5 of Original Side Rules to grant Letters of Administration without the Will may be granted to petitioner for the Schedule “B” property as she is the daughter / beneficiary of the said deceased having effect throughout the State of Tamil Nadu.

For Petitioner : Mr.S.Aswin Karthikeyan

For Respondents : Mr.N.Yuvaraj

**ORDER**

This Original Petition has been filed under Section 218 & 278 of the Indian Succession Act, 1925 read with Order XXV Rule 5 of Original Side Rules to grant Letters of Administration without the Will, to the petitioner for the Schedule “B” property as she is the daughter / beneficiary of the said deceased having effect throughout the State of Tamil Nadu.



O.P.No.768 of 2022

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

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The schedule mentioned property was originally belonged to one Halima and the petitioner who jointly purchased the same by virtue of a registered sale deed dated 23.08.1998 registered as Doc.No.1170/1998. The said Halima had four daughters by name Hamidah, the petitioner herein, Fathima Marecan and Siyamah Abdul Rahiman, the respondents 1 and 2 respectively and one Hafsa. The said Hafsa, who had no issues, predeceased Halima on 15.06.2016 and her husband died on 11.06.2021. Halima died on 17.10.2021 leaving behind the petitioner and the respondents as her only legal heirs. Since the deceased Halima died intestate, her legal heirs are entitled to inherit the properties left by her. The respondents have given their consent to grant Letters of Administration to the petitioner.

3. The petitioner examined herself as P.W.1 and marked Exs.P1 to P10.

4. The copy of the sale deed dated 23.08.1998 is marked as Ex.P1. Ex.P2 and Ex.P3 are the death certificates of Hafsa and Halima respectively. Ex.P4 - legal heirship certificate of Halima would show that the petitioner and the respondents are her only legal heirs. Exs.P9 and P10 are the consent affidavits given by the respondents.



O.P.No.768 of 2022

5. Paper publication effected in one issue of Tamil daily “Makkal Kural” and in one issue of English daily “Trinity Mirror” attracted no objectors.

6. Since the deceased Halima died intestate by leaving behind the petitioner and the respondents as her only legal heirs and the respondents have given their consent affidavit in favour of the petitioner, there is no difficulty in granting Letters of Administration as requested by the petitioner.

7. Hence, this Original Petition is allowed by granting Letters of Administration to the petitioner for the Schedule “B” property. Such Letters of Administration shall have effect throughout the State of Tamilnadu. 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.

**01.08.2023**

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O.P.No.768 of 2022

## **APPENDIX**

### **Petitioner's witness:**

P.W.1 – Mrs.Hamidah Mohideen

### **Documents marked:**

| <b><i>Exhibits</i></b> | <b><i>Documents</i></b>                                                                                               |
|------------------------|-----------------------------------------------------------------------------------------------------------------------|
| P1                     | Photocopy of the sale deed dated 23.08.1998 in favour of Mrs.Halima and Hamidah Mohideen (compared with the original) |
| P2                     | Computer generated death certificate of Hafsa                                                                         |
| P3                     | Computer generated death certificate of Halima                                                                        |
| P4                     | Computer generated legal heirship certificate of Halima                                                               |
| P5                     | Photocopy of the petitioner's Aadhaar Card (compared with the original)                                               |
| P6                     | Affidavit of assets showing the net value of the estate as Rs.10,00,000/-                                             |
| P7                     | Copy of paper publication in Tamil Daily “Makkal Kural” dated 11.04.2023                                              |
| P8                     | Copy of paper publication in English Daily “Trinity Mirror” dated 18.04.2023                                          |
| P9                     | Consent affidavit of first respondent herein.                                                                         |
| P10                    | Consent affidavit of second respondent herein.                                                                        |

**01.08.2023**

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O.P.No.768 of 2022

**R.N.MANJULA, J.**

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**O.P.No. 768 of 2022**

**01.08.2023**