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O.P.No.667 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.07.2023

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

O.P.No. 667 of 2021

Ramoo Sathyabama

...

Petitioner

Vs.

1. Jeevaneswaran
2. Uma Mageswary
3. Uma Gowri
4. Uma Sangkari

...

Respondents

Original Petition is filed under Section 228 & 276 of the Indian Succession Act, 1925 read with Order XXV Rule 5 of the Original Side Rules, 1956 to grant Letters of Administration with the certified copy of probate, along with the copy of last Will and testament dated 19.02.2017 granted by the High Court of Malaya, Melaka, executed by late Mr.N.Ramoo annexed, to the petitioner as executor / beneficiary under the Will of deceased to have effect throughout the Union of India.

For Petitioner : Mr.K.Kannan

For Respondents : Mr.E.Iyappan

ORDER

This Original Petition has been filed under Section 228 & 276 of the Indian Succession Act, 1925 read with Order XXV Rule 5 of the Original Side Rules, 1956 to grant Letters of Administration with the certified copy



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of probate, along with the copy of last Will and testament dated 19.02.2017 granted by the High Court of Malaya, Melaka executed by late Mr.N.Ramoo annexed, to the petitioner as executor / beneficiary under the Will of the deceased to have effect throughout the Union of India.

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

The Will dated 19.02.2017 executed by one N.Ramoo at Malaysia was probated by virtue of an order dated 02.03.2018 made by the High Court of Malaysia at Melaka in Probate No.32 NcvC-127-08 of 2017. The petitioner is the wife of the said testator N.Ramoo. The said N.Ramoo died on 12.05.2017. The properties in the Will are situated in Chennai and as well as beyond the limits of the territorial jurisdiction of this Court. In the Will, the petitioner has been nominated as the sole executor of the Will. Now this petition has been filed seeking grant of Letters of Administration and a certificate copy of the probate along with the last Will and testament granted by the High Court of Malaysia, at Melaka executed by late N.Ramoo.

3. Since the Will has already been probated after being deposited at the Foreign Court of competent jurisdiction, the production and proof of the



Will did not arise once again as per Section 228 of the Indian Succession Act, 1925. For the sake of clarity, the Section 228 of the Indian Succession

Act is extracted hereunder:

“228. Administration, with copy annexed, of authenticated copy of will proved abroad.-When a will has been proved and deposited in a Court of competent jurisdiction situated beyond the limits of the State, whether within or beyond the limits of 1*[India], and a properly authenticated copy of the will is produced, letters of administration may be granted with a copy of such copy annexed.”

4. Since the petitioner claims under the above provision, the production of original Will is dispensed. On perusal of the records it is seen that the certified copy of the probate along with the copy of the Will dated 19.02.2017 has also been produced and the same is perused.

5. Since some of the properties involved in this Will are situated at Chennai, the Letters of Administration as requested by the petitioner in respect of the properties furnished in the affidavit has to be granted.

6. Hence, this Original Petition is allowed by granting Letters of Administration to the petitioner with the copy of the Will and testament dated 19.02.2017 granted by the High Court of Malaysia, Melaka, executed



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by late Mr.N.Ramoo. Such Letters of Administration shall have effect throughout the Union of India. 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.

26.07.2023

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Internet :Yes/No

Speaking: Non speaking

Neutral:Yes/ No



Witness examined:

Mrs.Ramoo Sathyabama

Exhibits marked:

<i>Exhibits</i>	<i>Documents</i>
P1	Photocopy of the sale deed dated 21.02.1992 executed in favour of Mr.N.Ramoo (compared with the original)
P2	Photocopy of the Family Card of N.Ramo (compared with the original)
P3	Photocopy of P.W.1's Malaysian Identity Card (compared with the original)
P4	Photocopy of P.W.1's passport bearing No.L3459062 (compared with the original)
P5	Photocopy of bank passbook of IndianBank, Vadapalani Branch standing in the name of Mr.N.Ramoo (compared with the original)
P6	(series No.8) are the photocopies of the deposit receipts of Indian Bank standing in the name of Mr.N.Ramoo (compared with the original)
P7	Photocopy of the death certificate of Mr.N.Ramoo along with its English translation duly translated by Chinese Interpreter, High Court, Malacca, Malaysia (compared with the original)
P8	Affidavit of assets showing the net value of the estate as Rs.48,30,232/-
P9	(series 6 sheets)Certified copy of the order of the High Court of the Malaya at Melakka in Probate No.32NCvC-127-08 of 2017 dated 02.03.2018 along with certificate copy of English translation duly translated by Chinese Interpreter, High Court, Malacca, Malaysia.
P10	Copy of paper publication effected in one issue of Tamil daily "Makkal kural" dated 09.12.2022
P11	Copy of paper publication effected in one issue of English daily "Trinity Mirror" dated 16.12.2022
P12	Consent affidavit given by the first respondent.
P13	Consent affidavit given by the second respondent.
P14	Consent affidavit given by the third respondent.
P15	Consent affidavit given by the fourth respondent.

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R.N.MANJULA, J.

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