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O.P.No.57 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.57 of 2022

Joshua Chelliah

... Petitioner

Vs

1.Dr.Abraham Chelliah

2.Roja

3.Monisng

... Respondents

PRAYER: Original Petition filed for issuance of Letters of Administration under Section 232 & 276 of the Indian Succession Act, r/w.XXV Rule 5 of the Original Side Rules, prays that the Letters of Administration to the property and credits of the deceased.

For Petitioner : Mr.Harshit S.Jain
for M/s.Rank Associates

For Respondent : No appearance

ORDER

This Original Petition has been filed for issuance of Letters of Administration in respect of the Will dated 17.08.2020 executed by late Dr.Samuel Sundersingh Chelliah @ S.S.Chelliah, who died on 02.04.2021.

The petitioner and the first respondent are the brothers of the testator. The



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second respondent is the wife and the third respondent is the son of the testator. The petitioner is the beneficiary under the said Will. The testatrix has not appointed any executor under the Will. The petitioner seeks issuance of Letters of Administration in respect of the properties situate within the jurisdiction of this Court.

2. The petitioner states that the testator was married to one Roja and out of the wedlock they were blessed with a son viz., Monsingh, but the testator and his wife got separated in the year 1986 and it is evident from the Will that the whereabouts of his wife and son was not known to the testator even at the time of executing the Will.

3. The petitioner has been examined as P.W.1. He has produced the death certificate of the testator Dr.Samuel Sundersingh Chelliah as, Ex.P2. The Original Will dated 17.08.2020 has been marked as Ex.P1. The first respondent has expressed his consent to grant Letters of Administration in favour of the petitioner and his consent affidavit is marked as Ex.P6. The notice sent to the last known address of the second and third respondents was returned unserved stating “vacated”. A paper publication has been made and any objections have not been received from the second and third



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respondents or from any other person.

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4. The petitioner has examined one Mr.S.Ramesh, who is the second attesting witness to the said Will as P.W.2. He has spoken about the execution of the Will by the testator and its attestation by himself and Mrs.B.Karpagaselvi.

5. In view of the above, this Original Petition is ordered and Letters of Administration is granted in favour of the petitioner, in respect of the Will dated 17.08.2020 of the testator Dr.Samuel Sundersingh Chelliah @ S.S.Chelliah. 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.

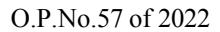
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Index :Yes/No

Speaking order: Yes/ No

Neutral Citations: Yes/ No



P.W.1 - Mr.Joshua Chelliah

P.W.2 – Mr.S.Ramesh

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Original Will dated 17.08.2020 executed by Mr.D.Samuel Sundersingh Chelliah
Ex.P2	Computer generated death certificate of S.S.Chelliah
Ex.P3	Photocopy of savings account pass book held by S.S.Chelliah bearing account No.458201264 in Indian Bank, Nungambakkam Branch
Ex.P4	Photocopy of the Partition Deed dated 24.12.1999 ebetween S.S.Chelliah and Mr.Joshua Chelliah
Ex.P5	Affidavit of assets showing the net value of estate as Rs.96,24,191.85/-
Ex.P6	Consent affidavit give by the 1 st respondent
Ex.P7	Paper publication effected in one issue of Tamil daily “Makkal Kural” dated 25.10.2022
Ex.P8	Copy of paper publication effected in one issue English of daily “Trinity Mirror” dated 05.11.2022.
Ex.P9	Affidavit of attesting witness PW2

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