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O.P.No.769 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **14.09.2023**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

O.P.No. 769 of 2022

Haabibuddin Sulaiman Rafath

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Petitioner

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 petitioner.

For Petitioner : Dr.C.K.Syed Shaffi

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 petitioner.



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

The petition mentioned properties belonged to one Zainab Bee as properties inherited from her father Abdullah. The said Zainab Bee had one son and three daughters. The three daughters did not have any children and they also died on 28.08.2020, 28.02.2014 and 30.07.2011. The son of Zainab Bee by name M.M.Raufuddin also died on 02.01.2012. The petitioner is the son of M.M.Raufuddin. The petitioner's father and mother also got separated long ago and in fact they had dissolved their marriage. As on today, the petitioner is the sole legal heir of his father and hence he is entitled to inherit the petition mentioned properties. So he had filed this petition seeking Letters of Administration.

3. The petitioner examined himself as P.W.1 and Exs.P1 to P17 were marked.

4. Ex.P1 is the certified copy of sale deed dated 23.03.1942 and Ex.P2 is the certified copy of the partition deed of the schedule mentioned properties. Ex.P3 would show that the said Zainah Bee died on 03.07.1990. Ex.P4- legal heirship certificate would show that Zainah Bee had three daughters and one son. Ex.P6-legal heirship certificate would show that the



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petitioner is the only legal heir of his father M.M.Raufuddin. Ex.P9 is the death certificate of M.M.Raufuddin. Exs.P10, P12 and P13 are the death certificates of daughters of Zainah Bee.

5. Since the documents available on record show that the petitioner alone is the sole legal heir of M.M.Raufuddin and the original owner of the suit property is his grandmother and his father died intestate, he is entitled to inherit the same. The petitioner had also proved his claim with all the relevant documents.

6. Hence, this Original Petition is allowed by granting Letters of Administration to the petitioner in respect of the petition mentioned properties. The Letters of Administration shall have effect throughout the State of Tamil Nadu. 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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APPENDIX

Petitioner's witness:

P.W.1 –Haabibuddin Sulaiman Rafath

Documents marked:

<i>Exhibits</i>	<i>Documents</i>
P1	Certified copy of the sale deed of the Super structure of the schedule mentioned property.
P2	Certified copy of the partition deed dated 24.11.1942
P3	Copy of death certificate of Zainah Bee
P4	Original legal heir certificate of Zainah Bee
P5	Online copy of birth certificate of plaintiff
P6	Original legal heirship certificate of M.M.Raufuddin
P7	Property tax in favour of petitioner's father
P8	Property tax in favour of the petitioner's father
P9	Online copy of the death certificate of petitioner's father
P10	Online copy of death certificate of Mumtaz Unissa
P11	Relationship certificate of the petitioner
P12	Online copy of the death certificate of Giasunissa
P13	Online copy of the death certificate of Jameelunnisa
P14	Online copy of the guideline value of the property.
P15	Original Passbook of Chennai Central Co-operative Bank
P16	Copy of the cheque of State Bank of India.
P17	Original Aadhaar Card of the petitioner.

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