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O.P. No.202 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.09.2024

CORAM

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

O.P. No.202 of 2022

1.Mrs.Blodwyn Beryl Janet Dumenil

2.Mr.David Randolph Keith Hart

3.Mr.Errol Dexter Hart

...

Petitioners

Vs

Felicia Gloria Antoinette Postin

...

Respondent

PRAYER: Original Petition filed under Section 218 & 278 of the Indian Succession Act, 1925, read with Order XXV Rule 5 of O.S. Rules 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 Petitioners : Mr.R.Ramanlal

For Respondent : Mr.A.C.Susheel Kumar



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ORDER

This petition has been filed for grant of letter of administration under Section 218 & 278 of the Indian Succession Act 1925 r/w Order XXV Rule 5 of O.S. Rules in the matter of estate of Late Colette Hart.

2. The petitioners are brothers and sisters of the deceased late Colette Hart and the respondent is the another sister of the deceased. The deceased Colette Hard died on 04.03.2013 at Door No.50, Mylappa Street, Ayanavaram, Chennai – 23. At the time of her death, left behind her surviving the petitioners and the respondent only as her next of kin. She remained unmarried till her death. The father and mother of the deceased have predeceased her. There is no other legal heirs to succeed the estate of the deceased except the petitioners and the respondent herein.

3. The deceased is having (a) Fixed Deposit at State Bank of India at Kilpauk Branch having a maturity value of Rs.1,02,822/- as on 21.07.2017 (b) Savings Bank Account at Canara Bank, Alandur Branch, Coimbatore District having closing balance of Rs.32,032/- as on 30.04.2017 and an immovable property situated at Ponni Gardens, Plot Nos.21, 22, 23, Patta



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No.1233 to an extent of 2798 q.ft. with building. As ordered by the learned Master, general paper publication has been effected and the proof of paper publication has also been filed and marked as Ex.P7. The first petitioner entered witness box as PW1 and deposed on behalf of the other petitioners.

4. During the evidence, the 1st petitioner, Ms.Blodwyn Janet Dumenil was examined as P.W.1 and she marked Exs.P1 to P8. Ex.P1 is the photocopy of the Power of Attorney dated 19.08.2015 executed by the second petitioner in favour of the first petitioner. Ex.P2 is the photocopy of the Power of Attorney dated 12.08.2015 executed by the third petitioner in favour of the first petitioner, Ex.P3 is the photocopy of the sale deed dated 18.04.2011 executed in favour of Ms.Colette Hart, Ex.P4 is the certified copy of the statement given by State Bank of India, Kilpauk Branch dated 21.07.2017 in respect of Fixed Deposit Account held by Ms.Colette Marie Hart bearing A/c.No.3067729156-4, Ex.P5 is the statement of account in Canara Bank, Alandurai, Coimbatore Branch for the period 30.04.2012 to 18.12.2017 in respect of account held by Ms.Colette Hart bearing A/c.No.1032101035889, Ex.P6 is the affidavit of assets showing the net value of the estate as Rs.12,95,454/-, Ex.P7 is the copy of the paper publication effected in one issue of English Daily “Trinity Mirror” dated



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17.03.2024 and Ex.P8 is the copy of the paper publication effected in one

issue of Tamil Daily “Makkal Kural” dated 10.03.2024.

5. The respondent examined herself as RW1 and filed consent affidavit marked as Ex.R1.

6. Taking into consideration the documents available on record and the fact that it is clear that the petitioners have not suppressed any material facts, the Original Petition stands allowed and Letters of Administration to be issued in accordance with rules. Such Letters of Administration shall have effect throughout the State of Tamilnadu. 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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Index :Yes/No
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APPENDIX

Petitioner's witness:

P.W.1 – Ms.Blodwyn Beryl Janet Dumenil

Documents marked:

<i>Exhibits</i>	<i>Documents</i>
P1	Photocopy of the Power of Attorney dated 19.08.2015 executed by the second petitioner in favour of the first petitioner (compared with original)
P2	Photocopy of the Power of Attorney dated 12.08.2015 executed by the third petitioner in favour of the first petitioner (compared with original)
P3	Photocopy of the sale deed dated 18.04.2011 executed in favour of Ms.Colette Hart (compared with original)
P4	Certified copy of the statement given by State Bank of India, Kilpauk Branch dated 21.07.2017 in respect of Fixed Deposit Account held by Ms.Colette Marie Hart bearing A/c.No.3067729156-4
P5	Statement of account in Canara Bank, Alandurai, Coimbatore Branch for the period 30.04.2012 to 18.12.2017 in respect of account held by Ms.Colette Hart bearing A/c.No.1032101035889
P6	Affidavit of assets showing the net value of the estate as Rs.12,95,454/-,
P7	copy of the paper publication effected in one issue of English Daily "Trinity Mirror" dated 17.03.2024
P8	copy of the paper publication effected in one issue of Tamil Daily "Makkal Kural" dated 10.03.2024.

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RMT.TEEKAA RAMAN, J.

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