



WEB COPY

O.P.No.598 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **27.03.2025**

CORAM

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**

O.P.No.598 of 2023

Mr.Safi Mohammed Sayeed

...Petitioner

vs.

1.Mrs.Nighat Mehkeri
2.Mr.Asad Basheer Sayeed
3.Mr.Khader Hussain Sayeed
4.Mr.Faizur Rehman Sayeed
5.Mr.Athaur Rehman Sayeed

...Respondents

PRAYER: Original Petition filed under Section 228 and 276 of the Indian Succession Act read with Order XXV Rule 5 of the High Court Original Side Rules, prays that this Hon'ble Court may be pleased to grant Letters of Administration to the property and credits of the deceased to having effect with Certified Copy of the probate order along with Will granted by the Superior Court of Justice, Ontario, dated 16.04.2021 to the petitioner as son/beneficiary under the Will of the deceased throughout the whole of Union of India.

For Petitioner : Mr.Zafferullah Khan

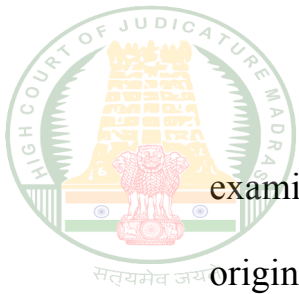
For Respondents : Mr.K.Chandrasekaran (For R1 to R3)
Mr.M.Kalaiyaran (For R4)

**ORDER**

WEB COPY

This Original Petition has been filed for issuance of the Letters of Administration in respect of the Will dated 09.12.2004 executed by Late.Mr.Kabeer Ahmed Sayeed, who died on 27.07.2020 in Canada. The petitioner and the second respondent are the sons of the testator, whereas the first respondent is the wife of the testator. The respondents 3 to 5 are the brothers of the testator. The petitioner submits that the testator and the first respondent got married and had begotten three sons, the petitioner, the second respondent and Late.Mr.Wajid Mohammed Hussain Sayeed who predeceased the testator on 20.02.2020. The petitioner submits that according to the Will dated 09.12.2004 the properties mentioned in the schedule was bequeathed to his wife the first respondent and on account of her renouncement the same devolved upon his sons, the petitioner and the second respondent. The petitioner has been appointed as the executor under said Will. The petitioner seeks issuance of Letters of Administration in respect of the properties situated within the jurisdiction of this court.

2. Mr.S.M.Sabahuddin who has been appointed as the power agent by petitioner through the General Power of Attorney dated 03.09.2024, has



WEB COPY

examined himself as PW1 on behalf of the petitioner. He has produced the original Power of Attorney dated 03.09.2024 as Ex.P1. The death certificates of the Testator and testator's son Late.Mr.Wajid Mohammed Hussain Sayeed who died on 20.02.2020 has been marked as Ex.P3 and Ex.P4. The Will executed by the testator has been proved and deposited in a court of competent jurisdiction of the Superior Court of Justice Ontario, Canada on 16.04.2021 which is situated beyond the limits of India, petitioner has been appointed as Estate trustee by the same court, the certificate of Appointment of Estate Trustee along with a properly authenticated copy of the Will has been produced as Ex.P2. From the perusal of the Ex.P2 it can be deduced that the petitioner is one of the beneficiary to the properties mentioned in the schedule and with the will dated 09.12.2004. The respondents 1, 2, 3 and 5 have expressed their consent to grant the letters of administration in favour of the petitioner along with the petition and counsel for the respondent 4 have appeared on behalf of him and have expressed the consent of the respondent and have also filed a vakalath. The paper publications have been made and no objections are received for the same.

3. The assertions in the petition have been duly proved by adducing



oral evidence supported by documents. In these circumstances, the petitioner is entitled to the relief.

WEB COPY

4. In view of the above mentioned facts, this Original Petition is ordered and Letters of Administration are granted in favour of the petitioner, in respect of the Will dated 09.12.2004 of the testator Late.Mr.Kabeer Ahmed Sayeed. The petitioner/Power agent of the petitioner 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 petitioner/Power agent of 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.

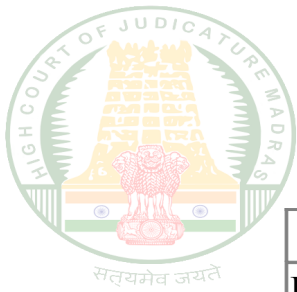
27.03.2025

kak
Index :Yes/No

Petitioner's witness:

P.W.1 – Mr.S.M.Sabahuddin Fakhri

Documents exhibited by the petitioners:



WEB COPY

O.P.No.598 of



Exhibits	Documents
Ex.P1	Original Power of Attorney dated 03.09.2024 executed by the petitioner in my favour to give evidence in this petition.
Ex.P2	Certified copy of the probate granted by the Superior Court of Justice Ontario, Canada on 16.04.2021 in respect of the last Will executed by Mr.Kabeer Ahmed Sayeed.
Ex.P3	Original death certificate of Mr.Kabeer Ahmed Sayeed.
Ex.P4	Original death certificate of Mr.Wajid Mohammed Hussain Sayeed.
Ex.P5	Computer generated Patta bearing No.335 in respect of the property mentioned in the petition.
Ex.P6	Online printout of the property tax receipt in respect of the property standing in the name of Mr.Kabeer Ahmed Sayeed.
Ex.P7	Photocopy of memorandum of record dated 10.06.2020 for the allocation of the apartments between the family members of the petitioner (Compared with the original)
Ex.P8	Affidavit of assets showing the net value of Estate as Rs.2,20,00,000/-
Ex.P9	Certificate under Section 65 B of the Indian Evidence Act, 1872.

27.03.2025

kak

K.KUMARESH BABU, J.

kak



WEB COPY

O.P.No.598 of



O.P.No.598 of 2023

27.03.2025