

Original Petition No.184 of 2014**R.SUBBIAH, J.,**

This petition has been filed for grant of Letters of Administration under Sections 218 and 278 of the Indian Succession Act read with Order XXV Rule 5 of Madras High Court Original Side Rules, in favour of the sixth petitioner.

2. The case of the petitioners is that the deceased, Mrs.Sarojini Ramanathan and her husband, Mr.B.K.Ramanathan had no issues and Mrs.Sarojini Ramanathan died intestate on 21.02.2010 and at the time of her death, left behind her husband, B.K.Ramanathan as her sole surviving legal heir. The said B.K.Ramanathan died intestate on 20.07.2013. Even though, Mr.B.K.Ramanathan inherited his wife's property as above, no name change regarding the title of the property occurred during his life time. However, this does not prevent or alter his inheritance in any manner. Hence, as per the law relating to intestate succession of a male Hindu, after her husband's demise, even though the property still stands in the name of Sarojini Ramanathan unaltered, the general rules of succession with regard to male Hindus, as contemplated under Section 8 of the Hindu Succession Act, 1956 has its application.

3. After his death, B.K.Ramanathan, left the petitioners herein below as his class II legal heirs. The first and second petitioners are the brothers of Late B.K.Ramanathan, the third petitioner is the sister of Late B.K.Ramanathan. The fourth petitioner is the wife of late B.K.Balasubramaniam, who is the elder brother of B.K.Ramanathan, the fifth petitioner is the daughter of Late B.K.Balasubramaniam, who is the brother of B.K.Ramanathan. The sixth petitioner, Mrs.Sakunthala Nagarajan is the daughter of Late B.K.Balasubramaniam, who is the brother of B.K.Ramanathan. The seventh petitioner is the daughter of late Kamala Kalyanaraman, who is the sister of Late B.K.Ramanathan. The eighth petitioner is the son of Late Kamala Kalyanaraman, who is the sister of Late B.K.Ramanathan. The 9th petitioner is the son of Late Kamala Kalyanaraman, who is the sister of Late B.K.Ramanathan. The 10th petitioner is the daughter of Late Kamala Kalyanaraman, who is the sister of Late B.K.Ramanathan. The 11th petitioner is the son of Late Sarada Viswanathan, who is the sister of Late B.K.Ramanathan. The 12th petitioner is the son of Late Sarada Viswanathan, who is the sister of Late B.K.Ramanathan. The 13th petitioner is the son of Late Sarada Viswanathan, who is the sister of Late B.K.Ramanathan.

4. The deceased Sarojini Ramanathan is having four sisters and one brother. Out of the above said sisters, two were already expired and other three persons are still alive. The property morefully described in the schedule hereunder is self acquired property of the deceased Sarojini Ramanathan, out of her own funds and hence, the property does not devolve upon any of her brother and sisters. The petitioners are brothers and sisters of Late B.K.Ramanathan, the husband of the deceased and claims to be entitled to a share of the estate.

5. The sixth petitioner was examined as P.W.1, wherein she has stated that the first and second petitioners are her parental uncles and the third petitioner is her parental aunty and the fourth petitioner is her mother. The fifth petitioner is her sister and the seventh to thirteenth petitioners are her cousins and she is deposing on behalf of all the petitioners. She has marked Ex.P.1 to Ex.P.23. The sixth petitioner further states that sue undertake to duly administer the property and credits of the said Sarojini Ramanathan (deceased) and to make a full and true inventory thereon and exhibit the same in this Court within six months from the grant of Letters of Administration to the petitioners and also render a true account to this Court with regard to the property and credits, within one year from the said date.

6. Ex.P.1 is the photocopy of the registered sale deed, dated 10.03.1980 in favour of her parental uncle's wife R.Sarojini Ramanathan, which was registered as Document No.550/1980 before the Sub-Registrar Officer, Mylapore. Ex.P.2 is the computer generated copy of the death certificate of Mrs.R.Sarojini Ramanathan, who died on 21.02.2010. Ex.P.3 is the computer generated copy of the death certificate of her parental uncle, Ramanathan, B.K, who died on 20.07.2013. Ex.P.4 is the photocopy of the PAN card, bearing No.AELPN7499D in respect of her parental uncle, K.V.Narayanan. Ex.P.5 is the photocopy of the Family card, bearing No.02/G/0179965 in respect of her parental uncle, K.V.Narayanan. Ex.P.6 is the photocopy of the Passport, bearing No.K2779913 in respect of the second petitioner. Ex.P.7 is the photocopy of the PAN card, bearing No. ANMPV1915E in respect of the third petitioner. Ex.P.8 is the photocopy of the Family card, bearing No. 02/W/0129947 in respect of the third petitioner. Ex.P.9 is the photocopy of the Family card, bearing No. 02/G/0717208 in respect of the fourth petitioner. Ex.P.10 is the photocopy of the PAN card, bearing No. BZPPS7358E in respect of the 5th petitioner. Ex.P.11 is the photocopy of the Family card, bearing No. 02/W/0138478 in respect of the fifth petitioner. Ex.P.12 is the photocopy of her PAN card, bearing No. ASNPS2871E.

7. Ex.P.13 is the photocopy of her Family card, bearing No. 02/W/0144862. Ex.P.14 is the photocopy of the registered Power of Attorney Deed, dated 04.11.2013 executed by the 7th petitioner in favour of 9th petitioner. Ex.P.15 is the photocopy of the PAN card, bearing No. AACPN1979M in respect of the 8th petitioner. Ex.P.16 is the photocopy of the Family card, bearing No. 02/N/0001377 in respect of 8th petitioner. Ex.P.17 is the photocopy of the Driving license of the 9th petitioner. Ex.P.18 is the photocopy of the Family card, bearing No. 02/N/0003065 in respect of the 10th petitioner. Ex.P.19 is the photocopy of the passport, bearing No. H9984568 in respect of the 11th petitioner. Ex.P.20 is the photocopy of the Driving license in respect of the 12th petitioner. Ex.P.21 is the photocopy of the General Power of Attorney, dated 13.11.2013 executed by the 13th petitioner in favour of the 12th petitioner. Ex.P.22 is the affidavit of assets, showing the net value of the estate for Rs.40,00,000/-. Ex.P.23 series (2 Nos) are the copies of the paper publications effected in one issue of Tamil Daily "Makkal Kural", dated 20.11.2014 and in one issue of English Daily "Trinity Mirror", dated 27.11.2014 respectively.

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8. From the above evidence, both oral and documentary, the petitioners have proved their claim and they are entitled to the relief prayed for in this original petition.

In the result,

(i) this original petition is allowed and Letters of Administration is ordered to be issued in favour of the sixth petitioner herein.

(ii) The sixth petitioner is directed to duly administer the said properties of the deceased.

(ii) The sixth petitioner is directed to execute a personal bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) in favour of the Assistant Registrar (O.S.II), High Court, Madras.104.

(iv) The sixth petitioner is further directed to render true and correct accounts once in a year.

13.01.2015

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