

**Original Petition No.734 of 2013****R.SUBBIAH, J.,**

This petition has been filed for grant of Letters of Administration under Sections 218 and 278 of the Indian Succession Act, 1925 read with Order XXV Rule 5 of Madras High Court Original Side Rules, in favour of the petitioner.

2. Though notice was served on the respondent and today, the matter appeared in the cause list by printing the name of the respondent, there is no representation for the respondent and the respondent was set exparte.

3. The case of the petitioner is that the deceased, Mrs.Hullasi Kanwar K.Devarajan died intestate on 09.10.2006 at Rajasthan and at the time of her death, left behind the petitioner, being the adopted son and the respondent, the alleged adopted son of the deceased. The husband of the deceased and her mother predeceased her and left no other relatives. The deceased Mrs.Hullasi Kanwar died intestate and that due and diligent search has been made for a Will but none has been found and the petitioner claims administration of her property estate effects and credits as his.

4. It is further stated that the petitioner is the adopted son of late P.Nathmull Bansali and late Mrs.Hullasi Kanwar of the deceased and claims to be entitled as her only legal heir and adopted son to succeed her estate and obtained a declaration in O.S.No.11520 of 2009 on the file of the III Asst. Judge, City Civil Court, Chennai, dated 23.02.2010 that the petitioner is the adopted son of late Hullasi Kanwar, the deceased.

5. The amount of assets which is likely to come to the hands of the petitioner does not exceed in the aggregate the sum of Rs.5 lakhs and the net value of the said assets after deducting all items which the petitioner is by law allowed to deduct is only of the value of Rs.4,90,000/-. The petitioner hereby undertakes to duly administer the property and credits of the said Mrs.Hullasi Kanwar, deceased and to make a full and true inventory thereof and exhibit the same in this Court, within six months from the date of grant of Letters of Administration to the petitioner.

6. The petitioner himself was examined as P.W.1 and he has marked Ex.P.1 to Ex.P.10. Ex.P.1 is the photocopy of sale deed, dated 20.03.1970 in favour of Hullasi Kanwar, who is the foster mother of the petitioner. Ex.P.2 is the certified copy of Death certificate of foster

mother of the petitioner, Hullasi Kanwar, who died on 09.10.2006. Ex.P.3 is the certified copy of Death Certificate of the foster father of the petitioner, Nathmul, who died on 26.02.2004. Ex.P.4 is the certified copy of Adoption Deed of the petitioner with the deceased P.Nathmul Bansali and Hullasi Kanwar, dated 12.10.1961. Ex.P.5 is the photocopy of order in O.S.No.11520 of 2009, dated 23.03.2010 passed by the City Civil Court. Ex.P.6 is the photocopy of the petitioner's family card for the period 1998-2003. Ex.P.7 is the certified copy of the petitioner's daughter Dhanvanthy's wedding invitation, dated 09.02.2004. Ex.P.8 is the affidavit of assets showing the net value of the property for Rs.4,90,000/-. Ex.P.9 is the copy of the paper publication effected in one issue of Tamil daily Makkal Kural, dated 30.09.2014. Ex.P.10 is the copy of the paper publication effected in one issue of English daily Trinity Mirror, dated 07.10.2014.

7. From the above evidence, both oral and documentary, the petitioner has proved his claim and he is 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 petitioner herein.

**R.SUBBIAH, J**

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

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

**26.02.2015**

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**O.P.No.734 of 2013**