

O.P.No.568 of 2015**M.M.SUNDRESH, J**

This Petition has been filed under Sections 218 and 278 of the Indian Succession Act read with Order XXV Rule 5 of the High Court Original Side Rules, seeking the grant of Letters of Administration.

2.Heard the learned counsel appearing for the petitioners. Despite service of notice and the names of the respondents having been printed in the cause list, none appears for the respondents.

3.In the petition, it is stated that Govinda Achari died on 18.06.1992 at No.13, Throwpathy Amman Kovil 2nd Street, Velachery, Chennai - 42. He was ordinarily residing at the said address. The deceased died intestate and though due and diligent search has been made for a Will, none has been found. The petitioners are the sons of the deceased and respondents 3 to 6 the daughters of the deceased son of the deceased. The seventh respondent is the wife of the another deceased son of the deceased and respondents 8 and 9 are the sons and the tenth respondent is the daughter of the deceased son of the deceased. The parents of the deceased predeceased him. The

amount of assets which is likely to come to the petitioners' hands does not exceed in the aggregate sum of Rs.2,00,000/- and the net amount of the said assets after deducting all the items, which the petitioners are by law allowed to deduct is only of the value of Rs.2,00,000/-. The petitioners undertake to duly administer the property and credits of the deceased Govinda Achari and to make a full and true inventory thereof and exhibit the same to the Court within six months from the date of grant of Letters of Administration to the petitioners and also render a true account of the said property and credits within one year from the said date. No application has been filed in any other Court for Letters of Administration.

4.The first petitioner, who examined himself as P.W.1, reiterated the averments made in the petition and filed the following documents viz., Exs.P1 to P11:

Ex.P1 is the original death certificate of the first petitioner's father C.Govinda Achari, who died on 18.06.1992.

Ex.P2 is the photocopy of the death certificate of the first petitioner's brother Loganathan, who died on 03.03.2007.

Ex.P3 is the computer generated death certificate of the first petitioner's another brother G.Dhanasekaran, who died on 10.07.2011.

Ex.P4 is the photocopy of legal heirship certificate in respect of the first petitioner's brother G.Dhanasekaran dated 22.10.2013.

Ex.P5 is the photocopy of legal heirship certificate in respect of the first petitioner's another brother G.Loganathan dated 22.10.2013.

Ex.P6 is the photocopy of the letter issued by Tahsildar, Mambalam Guindy Taluk dated 20.09.2013 addressed to the first petitioner stating that since the first petitioner's father C.Govinda Achari passed away long before i.e. on 18.06.1992, legal heirship certificate is not available and asking him to get the legal heirship certificate by filing a civil case.

Ex.P7 is the photocopy of E.B. Consumption charges for the period 08.01.2013 to 07.05.2014 in respect of the property mentioned in the petition.

Ex.P8 series are the downloaded property tax receipts dated 09.04.2013 in respect of the property mentioned in the petition.

Ex.P9 is the affidavit of assets showing the net value of the estate as Rs.2,00,000/-.

Ex.P10 is a copy of the paper publication effected in one issue of Tamil Daily Malai Sudar dated 16.07.2016.

Ex.P11 is a copy of paper publication effected in one issue of English Daily News Today dated 23.07.2016.

5.Before the Master, learned counsel for the respondents made an endorsement to the effect that the respondents have no objection in granting the relief to the petitioners.

6.Considering the averments made in the petition and on perusing the materials available on record, I am satisfied that the petitioners are entitled to the issuance of Letters of Administration.

7.Accordingly, this petition is allowed. Issue Letters of Administration in favour of the petitioners. The petitioners are directed to duly administer the properties and credits of the deceased more fully described in the schedule. The petitioners are also directed to execute a security 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. The petitioners are further directed to render true and correct accounts once in a year.

28.11.2016

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