

O.P.No.819 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 petitioner. Despite service of notice and the name of the counsel for the respondents having been printed in the cause list, none appears for the respondents.

3.In the petition, it is stated that Merle D'Souza died on 24.11.2007 at D2, Sams Abishega Tower, III Beach Road, Secretariat Colony, Kilpauk, Chennai - 10 and she was ordinarily residing at the said address. The deceased died as a spinster. The deceased died intestate and though due and diligent search has been made for a Will, none has been found. The petitioner is the brother of the deceased and the respondents are the sisters of the deceased. The deceased Merle D'Souza bequeathed her immovable properties viz., vacant land measuring 2100 sq.ft. at Arakkonam Taluk, Vellore District and a

vacant house site measuring 2400 sq.ft. at Ambattur Taluk, Chengalpet District with full right of alienation to the petitioner and the respondents. The amount of assets which is likely to come to the petitioner's hands does not exceed in the aggregate sum of Rs.9,20,000/- and the net amount of the said assets after deducting all the items, which the petitioner is by law allowed to deduct is only of the value of Rs.9,20,000/-. The petitioner undertakes to duly administer the property and credits of the deceased Merle D'Souza 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 petitioner 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 petitioner, who examined himself as P.W.1, reiterated the averments made in the petition and filed the following documents viz., Exs.P1 to P7:

Ex.P1 is the photocopy of the sale deed dated 12.12.1988 in favour of the petitioner's sister Merle D'Souza registered as Doc. No.9822 of 1988 at SRO, Poonamallee.

Ex.P2 is the computer generated death certificate of the petitioner's elder sister Merle D'Souza, who died on 24.11.2007.

Ex.P3 is the photocopy of the legal heirship certificate dated 18.05.2015 in respect of the petitioner's sister Merle D'Souza.

Ex.P4 is the affidavit of assets showing the net value of the estate as Rs.9,20,000/-.

Ex.P5 is the copy of paper publication effected in one issue of Tamil Daily Makkal Kural dated 25.06.2016.

Ex.P6 is one copy of paper publication effected in one issue of English Daily Trinity Mirror dated 02.07.2016.

Ex.P7 is the photocopy of the registered sale deed dated 09.04.1991 in the name of the petitioner's sister Merle D'Souza, which was registered as Doc.No.691 of 1991 before the Joint Sub Registrar II, Arakkonam.

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

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

26.10.2016

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M.M.SUNDRESH, J

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