

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(TESTAMENTARY AND INTESTATE JURISDICTION)

DATED, THE 4TH DAY OF NOVEMBER 2016

THE HON'BLE MR. JUSTICE M.M.SUNDRESH

O.P.NO.298 OF 2016

In the matter of the Indian
Succession Act XXXIX of 1925
and

In the matter of Estate of
Hema Murali (Intestate deceased)

P.K.Ravi,
No.103B, Kukreja Palace
Vallabh Baug Lane
Ghatkopar(E)
Mumbai 400 075

...Petitioner

-vs-

1.Shantha Soundararajan,
Flat No.9,Narangi Flats,
Giri Street, West Mambalam
Chennai 600 033

2.P.K.Srinivasan,
Flat No.12, Kothari Complex
149/63, Rangarajapuram Main Road
Kodambakkam, Chennai 600 024

3.P.K.Varadarajan,
No.3, Murugan Street
Venkatesaperumal Nagar
Valasaravakkam,
Chennai 600 087

4.S.Saraswathi,
Old No.12,
Janakiram Pillai Street
West Mambalam,
Chennai 600 033

5.Jaya Pattabiraman,
15, Venkateswara Nagar II Street
Adyar, Chennai 600 020

...Respondents

Court be pleased that Letters of Administration to the property and credits of the deceased, in respect of the immovable property mentioned in the affidavit of assets, may be granted to the Petitioner as one of the Class II legal heirs of the deceased husband, P.K.Murali of the deceased above named, to have effect limited to the State of Tamil nadu.

This Original Petition coming on this day before this court for hearing the Court made the following order:

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 names of the respondents having been printed in the cause list, none appears for the respondents.

3.In the petition, it is stated that Hema Murali died on 22.10.2015 at JV Hospital, 31, Railway Border Road, West Mambalam, Chennai - 33. She was ordinarily residing at No.A-1, Kala Flats, 12, Bakthavatchalam Street, West Mambalam, Chennai - 33. The deceased died intestate and though due and diligent search has been made for a Will, none has been found. The deceased had no issues. The petitioner and respondents 1 to 4 are the brothers of the

husband of the deceased and the 5th respondent is the sister of the deceased. The husband of the deceased as well as the parents of the deceased predeceased her. The amount of assets which is likely to come to the petitioner's hands does not exceed in the aggregate sum of Rs.31,04,695/- 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.31,04,695/-. The petitioner undertakes to duly administer the property and credits of the deceased Hema Murali 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 P6:

Ex.P1 is the computer generated copy of the death certificate of the petitioner's sister-in-law Hema Murali, who died on 22.10.2015.

Ex.P2 is the computer generated copy of the death certificate of the petitioner's brother P.K.Murali, who died on 09.08.2012.

Ex.P3 is the photocopy of the legal heirship certificate dated 17.09.2012 in respect of the petitioner's deceased brother P.K.Murali.

Ex.P4 is the computer generated copy of the claim settlement letter dated 20.02.2016.

Ex.P5 is the affidavit of assets showing the net value of the estate as Rs.31,04,695/-.

Ex.P6 series are the copies of the paper publication effected in one issue of Tamil Daily Malai Sudar dated 21.08.2016 and in one issue of English Daily News Today dated 28.08.2016.

5.From the records, it appears that respondents 1 to 4 are also beneficiaries along with the petitioner, as per Section 15 of the Hindu Succession Act.

6.Learned counsel for the petitioner submits that though the respondents have given consent affidavits, the same could not be taken on record as they have not come forward to depose in support of the same.

7.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.

8.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.

sd/.M.M.S.J

04.11.2016

//Certified to be a true copy//

Dated this the day of 2017

R.s/28.02.2017

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.

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