

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

DATED, 20TH DAY OF SEPTEMBER 2016

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

O.P.NO.339 OF 2016

In the matter of the
Indian Succession Act
XXXIX of 1925 and
In the matter of
Estate of Grace Parimala
Appasamy Deceased intestate

1.Paul Prabhakar Appasamy,
S/o.Late J.B.Appasamy
No.8/19, Malaviya Avenue,
Chennai 600 041

2.John Suhaan,
S/o.Late Samuel Vasanth Appasamy
Flat No.4A,
Old No.31, New No.55
Aspirin Garden First Street
Kilpauk, Chennai 600 010

....Petitioners

This Original Petition praying that this Hon'ble Court be pleased that Letters of Administration to the property and credits of the deceased may be granted to the first petitioner as surviving legal heir of the deceased 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. In the petition, it is stated that the deceased Grace Parimala Appasamy died on 11.12.2001 at No.8/19, Malaviya Avenue, Thiruvannamiyur, Chennai - 41. The deceased was ordinarily residing at the said address. The deceased died as spinster. The parents of the deceased predeceased her. The first petitioner is the brother of the deceased and the second petitioner is the son of the another brother of the deceased, who died on 31.12.2012. The deceased was working as Reader in the Department of Chemistry at Women's Christian College and she died in harness. The deceased died intestate and though due and diligent search was made for the Will, none has been found. The second petitioner has given consent affidavit expressing no objection for the grant of letters of administration in favour of the first petitioner. The amount of assets which is likely to come to the first petitioner's hands does not exceed in the aggregate sum of Rs.47,11,829/- and the net amount of the said assets after deducting all the items, which the first petitioner is by law allowed to deduct is only of the value of Rs.44,96,829/-. No application has been filed in any other Court for Letters of Administration to her property. The first petitioner undertakes to duly administer the property and credits of the deceased Grace Parimala Appasamy 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 first

petitioner and render true account of the said properties and credits within one year from the said date.

3.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 P12;

Ex.P1 is the photocopy of the sale deed dated 13.12.1955 in the name of Mercy Appasamy.

Ex.P2 is the computer generated copy of the death certificate of the first petitioner's deceased father J.B.Appasamy, who died on 10.08.1981.

Ex.P3 is the death certificate of the first petitioner's deceased mother Mercy Appasamy, who died on 11.06.1995.

Ex.P4 is the computer generated copy of the death certificate of the first petitioner's deceased sister Grace Parimala Appasamy, who died on 11.12.2001.

Ex.P5 is the computer generated copy of the death certificate of the first petitioner's younger brother Samuel Vasanth Appasamy, who died on 31.12.2012.

Ex.P6 is the photocopy of the employer's I.D. Card of the first petitioner's deceased sister Grace Parimala Appasamy.

Ex.P7 series are the medical bills of the first petitioner's deceased sister Grace Parimala Appasamy.

certificate dated 11.07.1995 in respect of the first petitioner's deceased mother Mercy Appasamy.

Ex.P9 is the photocopy of the unregistered development agreement.

Ex.P10 is the photocopy of the memorandum recording oral family arrangements dated 30.04.1999.

Ex.P11 is the affidavit of assets showing the net value of the estate of Rs.44,96,829/-.

Ex.P12 series are the copies of paper publication effected in one issue of Tamil Daily Makkal Kural dated 24.06.2016 and in one issue of English Daily Trinity Mirror dated 01.07.2016.

4.The second petitioner examined himself as P.W.2 and he has stated that he has no objection in granting letters of administration to the first petitioner. Ex.P13 is his consent affidavit.

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

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

Sd/M.M.S.J

20.09.2016

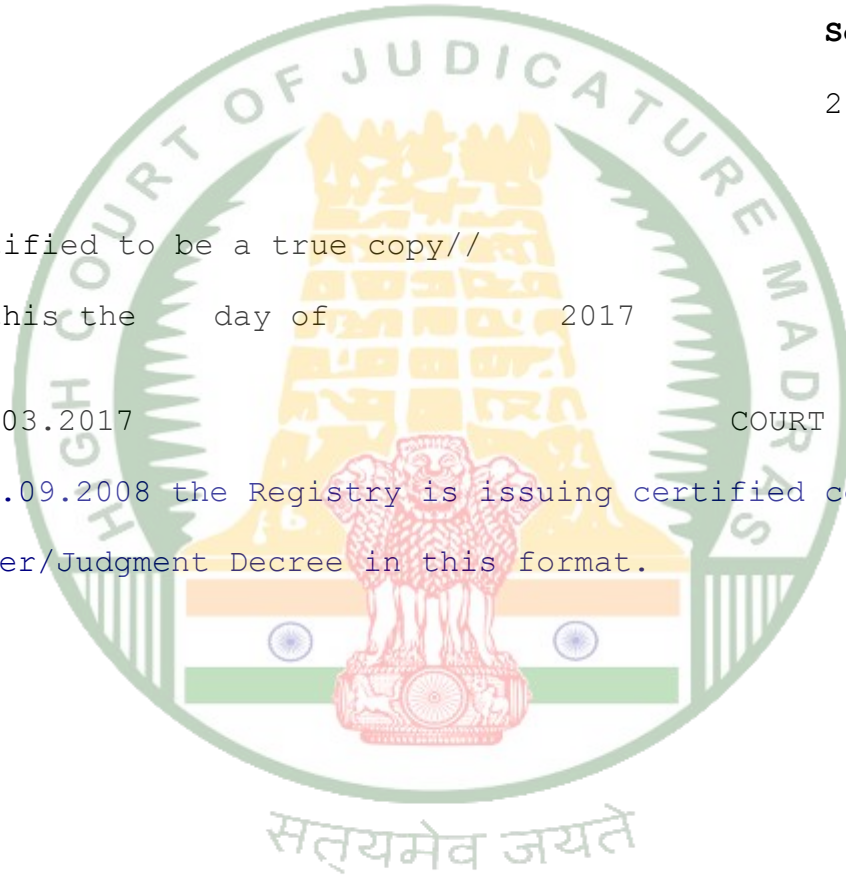
//Certified to be a true copy//

Dated this the day of 2017

R.s/07.03.2017

COURT OFFICER

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



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