

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

DATED, THE 23rd DAY OF SEPTEMBER 2016

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

OP.NO.462 OF 2016

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

In the matter of Estate of
Hemalatha Kumar (Deceased
intestate)

1.K.S.Mohan
S/o.(Late)K.P.Subramaniam
Residing at New No:48 (Old No:53)
3rd Main Road,Gandhi Nagar
Adayar,Chennai-600 020.

2.Uma Muralikrishna
D/o.(Late)K.P.Subramaniam
Residing at No:14 'Nest Oceana'
S-1,2nd Floor,
Jayaram Street,Thiruvannamiyur
Chennai-600 041.

....Petitioners

This Original Petition praying that this Hon'ble Court be pleased to grant Letters of Administration to the properties and credits of the deceased Hemalatha Kumar to have effect throughout the Union of India to the 1st Petitioner and pass such further or other orders.

This Original Petition coming on this day before this court for hearing 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 Hemalatha Kumar died on 18.10.2015 at Axon Speciality Hospital at No.321, 6th Main, Indira Nagar, Bangalore - 560 008. The deceased was ordinarily residing at No.3373/C 13th A Main HAL, 2nd Stage, Indira Nagar, Bangalore - 560 008. The first petitioner is the brother and the second petitioner is the sister of the deceased respectively. The deceased died intestate and though due and diligent search was made for the Will, none has been found. The husband and the parents of the deceased predeceased her. The deceased had no issues. The deceased had accounts as mentioned in Schedule A of the petition and she inherited immovable properties from her father. She has also possessed movable properties. The amount of assets which is likely to come to the petitioners' hands does not exceed in the aggregate sum of Rs.16,41,43,806/- 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.16,41,23,806/-. No application has been filed in any other Court for Letters of Administration. The petitioners are the only legal heirs of the deceased and the second petitioner has no objection in granting letters of administration to the first petitioner. The first petitioner undertakes to duly administer the property and credits of the deceased Hemalatha Kumar 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 P20;

Ex.P1 is the original death certificate of the first petitioner's elder sister Hemalatha Kumar, who died on 18.10.2015.

Ex.P2 is the photocopy of the death certificate of S.V.Kumar, husband of the deceased, who died on 21.06.2013.

Ex.P3 is the photocopy of the bank passbook for the account in No.10447491949 maintained by the first petitioner's deceased elder sister Hemalatha Kumar in State Bank of India, Indira Nagar Branch, Bangalore.

Ex.P4 is the photocopy of the bank passbook for the account in No.10565626292 maintained by the first petitioner's deceased elder sister Hemalatha Kumar in State Bank of India, Commercial Branch, Guindy, Chennai.

Ex.P5 is the original statement of accounts for the period from 08.05.2012 to 12.03.2013 in respect of the Account in No.31684106768 maintained by the first petitioner's deceased elder sister Hemalatha Kumar issued by State Bank of India, Guindy Branch, Chennai.

Ex.P6 is original death certificate of the first petitioner's deceased father K.P.Subramaniam, who died on 19.07.2003.

Ex.P7 is the original certified copy of the legal heirship certificate dated 15.09.2016 in respect of the first petitioner's deceased father K.P.Subramaniam.

Ex.P8 is the original death certificate of the first petitioner's mother Susila Subramaniam, who died on 23.07.2004.

Ex.P9 is the photocopy of the certified copy of the legal heirship certificate dated 05.10.2004 in respect of the first petitioner's deceased mother Susila Subramaniam.

Ex.P10 is the photocopy of the settlement deed dated 26.02.2003 executed by the first petitioner's father K.P.Subramaniam in favour of the first petitioner's elder sister Hemalatha Kumar.

Ex.P11 is the photocopy of the release deed dated 23.02.2009 executed by the first petitioner and his younger sister Uma Muralikrishna the second petitioner in favour of the first petitioner's elder sister Hemalatha Kumar.

Ex.P12 is the photocopy of the deed of dissolution dated 01.06.2011 entered into between the first petitioner, his elder sister Hemalatha Kumar, his younger sister Uma Muralikrishna, his daughters viz., Swetha, Shraddha and daughter of the first petitioner's younger sister Amritavarshini.

Ex.P13 is the photocopy of the letter dated 23.12.2014 issued by PNB Housing Finance Limited to the effect that the original of Ex.P12 has been retained in their custody.

Ex.P14 is the photocopy of the agreement for joint development dated 23.01.2012 entered into between the first petitioner and others on one part with M/s.Akshya Private Limited represented by its Managing Director T.Chitty Babu.

Ex.P15 is the photocopy of the supplementary agreement - I dated 07.04.2014 entered into between the first petitioner and others and M/s.Akshya Private Limited.

Ex.P16 is the photocopy of the second supplementary investment agreement dated 10.07.2013 entered into between Sodecia Participacoes Sociais, SGPG and others with the deceased.

Ex.P17 is the photocopy of the sale agreement dated 19.04.2013 entered into between Vatsala Balachandran and others with the deceased.

Ex.P18 is the affidavit of assets showing the net value of the property as Rs.16,41,23,806/-.

Ex.P19 is a copy of paper publication effected in one issue of Tamil Daily Malai Sudar dated 23.07.2016.

Ex.P20 is a copy of paper publication effected in one issue of English Daily News Today dated 30.07.2016.

4.The second petitioner examined herself as P.W.2 and marked Ex.P21 - original affidavit sworn by her declaring the family tree of the deceased.

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

23.09.2016

//Certified to be a true copy//

Dated this the day of 2016

S.S/14.11.2016

COURT OFFICER

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

सत्यमेव जयते

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