

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 26TH DAY OF JULY 2018

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

O.P.No.106 of 2018

In the matter of Indian
Succession Act XXXIX of 1925
and

In the matter of Estate of
Late N.S.Sivam (died
intestate)

Tmt.Nalini Sivam
Wife of Late N.S.Sivam
No.13, III Cross Street,
Ramakrishna Nagar,
Mandaveli, Chennai 600 028.

...Petitioner

Original petition Application praying that this Hon'ble Court be pleased to that letters of administration to the property and credits of the deceased to have effect throughout the whole of the Union of India May be granted to her.

सत्यमेव जयते

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 232 and 276 of the Indian Succession Act read with Order XXV Rule 5 of the Original Side Rules, seeking to grant of Letters of Administration in respect of the estate of the deceased N.S.Sivam.

2. This petition has been filed for grant of Letters Administration in respect of the estate of the deceased N.S.Sivam. The petitioner is the wife of the deceased N.S.Sivam and they have no issues. The deceased N.S.Sivam

died on 17.11.2014. The parents of the deceased predeceased him. The petitioner is the Class-I legal heir of the deceased and there is no other class I legal heir to be impleaded in this petition. The deceased died intestate and though due and diligent search has been made for a Will, nothing has been found. The amount of assets which is likely to come to the petitioner's hands does not exceed in the aggregate sum of Rs.2,44,40,500/- and the net amount of the said assets after deducting all the items, which the second petitioner is by law allowed to deduct is only of the value of Rs.2,44,40,500/-. The petitioner undertakes to duly administer the property and credits of the deceased N.S.Sivam 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.

3. The petitioner has been examined as P.W.1 and Ex.P.1 to Ex.P.17 marked.

4. P.W.1 in her evidence had narrated the averments made in the petition stating that the petitioner has filed this petition for grant of Letters of Administration in favour of the petitioner in respect of the estate of the deceased N.S.Sivam. Ex.P.1 is the copy of the death certificate of N.S.Sivam. Ex.P.1 has been filed to prove that the deceased N.S.Sivam died on 17.11.2014. Ex.P.2 is the legal heirship certificate of the deceased N.S.Sivam. Ex.P.2 has been filed to prove that the petitioner is the legal heir of the deceased. Ex.P.3 to Ex.P.13 have been filed to prove the shares in the name of the deceased N.S.Sivam. Ex.P.15 is the affidavit of assets showing the net value of the estate as Rs.2,44,40,500/-. Ex.P.16 and Ex.P.17 are paper publications, but none have objected for

the same.

5. In view of the above facts, I am of the view that the petitioner has proved her claim and hence, the petitioner is entitled for the issuance of Letters of Administration in her favour.

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.

Sd/.N.S.K.J
26.07.2018

//Certified to be a true copy//

Dated this the th day of 2018.

KY/01.10.2018

COURT OFFICER

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