

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 05TH DAY OF APRIL 2018

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

O.P.No.400 of 2017

In the matter of Indian  
Succession Act, XXXIX of 1925  
And

In the matter of the Estate of  
deceased Smt.Rajammal,died  
intestate

V.Padma,  
W/o.Venkatachalam,  
No.15, 2<sup>nd</sup> Cross Street,  
Ganesh Nagar,  
Madipakkam,  
Chennai 600 091.

...Petitioner

Original petition praying that this Hon'ble Court be pleased to that Letters of Administration to the petitioner V.Padma as the sole sister of the deceased, in respect of property credits and amounts in Savings Account No.400905368, Indian Bnk,Triplicane of the deceased V.Rajammal, having effect limited to the state of Tamil Nadu and limited to property mentioned in affffidavit of assests, may be granted to her.

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 petitioners.

3. In the petition, it is stated that V.Rajammal died on 03.01.2017 at Hindu Mission Health Services, A.26A, 100 Feet Road, Hindu Colony, Nanganallur, Chennai 600 061 and she was ordinarily residing at No.15, 2<sup>nd</sup> Cross Street, Ganesh Nagar, Madipakkam, Chennai 600 091. The deceased died as issue less. The deceased died intestate and though due and diligent search has been made for a Will, none has been found. The petitioner is the sole sister the deceased. The husband of the deceased as well as her parents predeceased her. The amount of assets which is likely to come to the petitioners' hands does not exceed in the aggregate sum of Rs.50,74,057.26 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.50,54,057.20. The petitioner undertake to duly administer the property and credits of the deceased V.Rajammal 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. The petitioner has impleaded all the next of kin or other persons interested as party and there is no next of kin or other person interested to be impleaded. No application

has been filed in any other Court for Letters of Administration.

4.The petitioner, who examined herself as P.W.1, reiterated the averments made in the petition and filed the following documents viz., Exs.P1 to P17:

Ex.P1 is the computer generated death certificate of the deceased V.Rajammal, who died on 03.01.2017.

Ex.P2 is the death certificate of Mr.Y.R.N.Chari, the husband of the deceased V.Rajammal, who died on 15.04.1987.

Ex.P3 is the death certificate of S.Venkatachalam, the husband of the petitioner, who died on 15.10.1992.

Ex.P4 is the legal heir certificate of S.Venkatachalam, issued on 04.11.1992.

Ex.P5 is the computer generated death certificate of V.Ramasamy.

Ex.P6 is the photocopy of the letter issued by the Deputy Tahsildar.

Ex.P7 is the original marriage invitation of the petitioner, dated 31.10.1982.

Ex.P8 is the photocopy of the ration card of the deceased V.Rajammal.

Ex.P9 is the photocopy of the Aadhaar card of the petitioner.

Ex.P10 is the photocopy of the Pension Payment Order of the deceased V.Rajammal.

Ex.P11 is the photocopy of the Passbook statement (Savings Account No.40095368, Indian Bank, Triplicane, of the deceased V.Rajammal.

Ex.P12 is the photocopy of the property document - sale deed executed in favour of the deceased V.Rajammal on 12.02.1988.

Ex.P13 is the photocopy of the patta No.2077 (showing petitioner's name and her sister's and father's name) dated 05.03.2012.

Ex.P14 is the photocopy of the General Power of Attorney given by the petitioner and her sister viz. V.Rajammal dated 15.06.2012.

Ex.P15 the affidavit of assets showing the net value of the property as Rs.50,74,057.26.

Ex.P16 is a copy of paper publication effected in one issue of Tamil Daily Malai Sudar dated 01.08.2017.

Ex.P17 is a copy of paper publication effected in one issue of English News Today dated 06.08.2017.

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 petitioners are further directed to render true and correct accounts once in a year.

Sd/..N.S.K.J

05.04.2018

//Certified to be a true copy//

Dated this the      th day of      2018.

DL/24.10.2018

COURT OFFICER

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