

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 29TH DAY OF NOVEMBER, 2018

THE HON'BLE MRS. JUSTICE K.KALYANASUNDARAM

O.P.No.243 OF 2018

In the matter of Indian
Succession Act XXXIX of 1925
AND

In the matter of estimate
Mr.M.Naveen Kumar (deceased)
intestate

Mrs. Uma Thandava Krishnan Balaiah
D/o. Late Balaiah Naidu
No.1, Shresta Ujwala, First Floor,
19, Balaiah Avenue, Luz church Road,
Chennai - 600 004

... Petitioner

Vs.

1. Bommadevara Sai Chandravadhan
S/o. Late Bommadevara Sai Baba Varaprasad
B-31, Mittal's Royale Orchards,
Shankar Dhani, Gurgaon, Haryana -123313
2. Sahitya Alambara
W/o. Praveen Babu J D
The Terraces
1397 NW 80th Way
Plantation, Florida 33322 USA
3. Samyukta Alambara
W/o. Anshuman Venkat Krishna
No.8-2-468/A/1, B1, Protons Parkside Residency,
Road No-5, Banjara Hills, Hdrabad -500034.
4. Ramesh Naidu
S/o. P. Jayaram
No. HNO 8-1-405/A/3
PNO 3, Dream Valley Near OU Colony Shaikpet
Hydrabad -500 008.

5. Lavanya Nandikolla
W/o. Saibaba Nandikolla Hari Satti Raja Gopalakrishna
Skycity Apartments
Tower-13, Door No.104
Vanagaram, Chennai - 600 095.
6. Madan Suri
S/o.Late Mrs. Suryanarayana
No.2 Sachem Road,
Weston Ct.06883. USA.
- 7.Jagan Suri
S/o.Late Mrs.Suryanarayana
616, Pelham Road,
St. Agistine,
Florida 32092. USA
- 8.Anuradha Sarin
W/o.Deepak Sarin
No.B-1 Daffodil Apartments,
25, Church Street, Bangalore - 560 001.
9. Mirdula Gettu
W/o.Shyam Gettu
18 Alexander Street, Sona Gardens EE, Richmond Town
Bangaluru, Karnataka - 560 025

... Respondents

Original petition praying that this Hon'ble Court be pleased to that a letter of Administration to the property and credits of the deceased to have effected throughout limited the state of Tamil Nadu, may be granted to the petitioner.

This Original Petition coming on this day before this Court for hearing, the Court made the followings order:-

"This Petition has been filed for grant of Letters of Administration without Will annexed to the property and credits of deceased Naveen Kumar u/s 218 and 278 of Indian Succession Act r/w Order XXV Rule 5 of O.S Rules.

2. In the petition, it is stated that the deceased

Apartment, Door No.1, 1st floor, Balaiah Avenue, Luz Church Road, Mylapore, Chennai - 600 004 and died on 13.10.2017 at his residence and left the properties within the jurisdiction of this Court. The deceased died intestate and though due and diligent search has been made for Will and Testament, but none has been found. The deceased at the time of his death left behind the petitioner as his only surviving next of kin. Though, the deceased was a bachelor and his parents were predeceased him and hence, he has no Class I legal heirs.

3. It is further stated that the deceased father had four siblings viz., Hemalatha Devi, Susheela, Suryanarayana and Uma Thandava Krishnan Balaiah, the petitioner herein. Except the petitioner, the other siblings of the deceased father are predeceased him. The petitioner is the only surviving legal heir or class II legal heir of the deceased, who claims to be entitled to succeed and administer the schedule properties of the deceased. The amount of assets which is likely to come to the petitioner hands does not exceed in the aggregate sum of Rs.6,82,24,849.70/-. No application has been made at any District court or delegate or to any other High Court for probate of any Will of the said deceased or Letters of Administration with or without the Will annexed to his property and credits. No application for a succession certificate in respect of any debt or security belonging to the estate of

the said deceased has been made to any District Court or delegate or to any other High Court.

5. The petitioner undertakes to duly administer the propertied and credits of the deceased, by paying first his debts and make a full and true inventory thereof and exhibit the same in the Court within six months from the date of grant of Letters of Administration with out Will and also to render to this Court a true account of the said property and credits within one year from the said date.

6. The petitioner examined herself as P.W.1 and filed proof affidavit and also marked the following documents viz., Exs.P1 to P19.

i) Ex.P1 is the computer generated death certificate of M.Naveen Kumar (her brother's son) who died on 13.10.2017.

ii) Ex.P2 is the computer generated death certificate of Nirmala Kumar (her brother's wife) who died on 22.07.2009.

iii) Ex.P3 is the photocopy of the Legal Heirship Certificate dated 15.12.2009 in respect of Mrs.Nirmala Kumar (her borther's wife).

iv) Ex.P4 is the computer generated death certificate of her sister Susheela, who died on 28.10.1989.

v) Ex.P5 is the photocopy of Term Deposit Receipt in

Central Bank of India, Mylapore Branch held by the deceased M.Naveen Kumar bearing No.N 294007

vi) Ex.P6 is the photocopy of Term Deposit Receipt in Central Bank of India, Mylapore Branch bearing No.N 293990 held by the deceased M.Naveen Kumar.

vii) Ex.P7 is the photocopy of savings bank account in Central Bank of India, Mylapore Branch bearing account No.1005934993 held by the deceased M.Naveen Kumar.

viii) Ex.P8 is the photocopy of savings bank account in Bank of India, Mylapore Branch bearing account No.800210100009929 held by the deceased M.Naveen Kumar.

ix) Ex.P9 is the photocopy of fixed deposit in Bank of India, dated 09.12.2016 held by the deceased M.Naveen Kumar.

x) Ex.P10 is the photocopy of savings bank account in HDFC Bank Limited, R.A.Puram Branch bearing account No.50100129268583 held by the deceased M.Naveen Kumar.

xi) Ex.P11 is the photocopy of Investment made in ICICI Bank Wealth Management by the deceased M.Naveen Kumar in Folio No.8895067/81.

xii) Ex.P12 is the photocopy of two Investments made in DSP Black Rock Mutual Fund by the deceased M.Naveen Kumar in Folio No.3599205/37.

xiii) Ex.P13 is the photocopy of Partition Deed dated 30.03.1968.

xiv) Ex.P14 is the photocopy of Passport in respect of petitioner dated 17.11.2017.

xv) Ex.P15 is the photocopy of Agreement for Supplemental to Joint Development Agreement dated 13.06.2001.

xvi) Ex.P16 is the photocopy of passport in respect of the deceased M.Naveen Kumar, dated 12.01.2017 bearing No.P6683931.

xvii) Ex.P17 is the affidavit of assets showing the net value of the estate as Rs.6,82,24,849.70/-

xviii) Ex.P18 is a copy of paper publication effected in one issue of English daily "Newly Today" dated 10.08.2018.

xix) Ex.P19 is a copy of paper publication effected in one issue of Tamil daily "Maalai Sudar" dated 03.08.2018.

She has further stated in her evidence that she has not filed any other petition seeking the same relief.

7. The eight respondent examined herself as R.W1 and filed proof affidavit and also marked the following documents viz., Exs.R1 to R5.

i) Ex.R1 is the consent affidavit given by the 1st respondent.

ii) Ex.R2 is the consent affidavit given by the 4th respondent.

iii) Ex.R3 is the consent affidavit given by the 6th respondent.

iv) Ex.R4 is the consent affidavit given by the 7th respondent.

v) Ex.R5 is her consent affidavit.

8. The respondents 9, 3 and 5 are examined themselves as R.W.2 to R.W.4. In their evidence they have stated that they have no objection for grant of letters of administration in favour of the petitioner. Ex.R6, R7 and R9 are the consent affidavits, in that regard. It is further stated that the third respondent, in her evidence has stated that the 2nd respondent, who is her sister (living in United States) has also filed her consent affidavit, which is marked as Ex.R8, stating that she has no objection for grant of letters of administration in favour of the petitioner.

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

10. Accordingly, this petition is allowed. Issue Letters of Administration in favour of the petitioner in respect of the properties mentioned in the schedule. 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

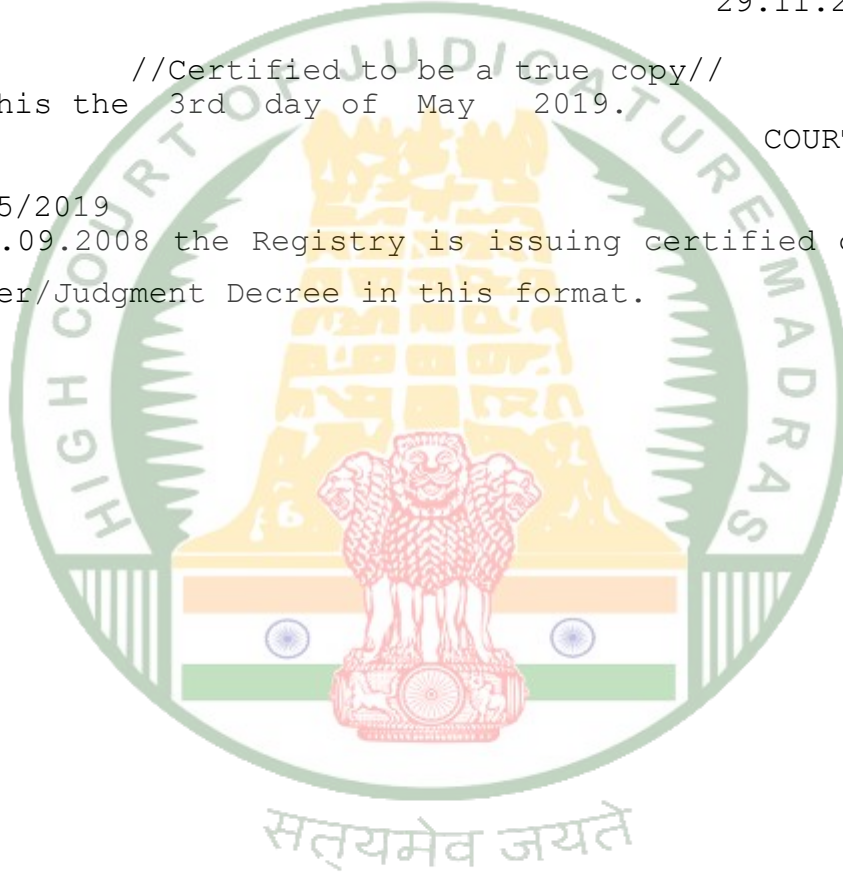
thousand only) in favour of the Assistant Registrar (O.S.II), High Court, Madras. The petitioner is further directed to render true and correct accounts once in a year".

Sd/.M.K.K.S.J
29.11.2018

//Certified to be a true copy//
Dated this the 3rd day of May 2019.

COURT OFFICER

TE/03/05/2019
From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.



WEB COPY