

O.P.No.455 of 2019

K.KALYANASUNDARAM, J.

This petition has been filed under Sections 218 and 278 of the Indian Succession Act r/w Order XXV Rule 5 of O.S. Rules for grant of Letters of Administration.

2. In the petition, it is stated that the deceased K.Balagopal died on 31.01.2010 at Kalra Hospital, Njafgarh Kirtinagar Road, Kirti Nagar, New Delhi - 110 015 and Tara Balagopal died on 28.05.2018 at her residence and they were ordinarily resided at V-13, Rajouri Garden, New Delhi. The deceased K.Balagopal and Tara Balagopal during their life time, jointly purchased a property bearing Flat No.6, First Floor, Block No.H-39, Appar Street, comprised in Survey No.168/Part, Thiruvanmiyur Village, Besant Nagar Phase -1, measuring an extent of 68.52 sq.mtrs, vide a registered Sale Deed dated 22.01.1998 bearing Doc.No.169 of 1998 on the file of the Joint Sub-Registrar-1, District Registrar Cadre, Chennai. The parents of the deceased pre-deceased them. The deceased K.Balagopal and Tara Balagopal died intestate and leaving behind the petitioners herein as their Class-II legal heirs. Hence, the petitioners are entitled to claim a share of the estate of the deceased K.Balagopal and Tara Balagopal, as Class-II legal heirs.

3. The amount of assets which are likely to come into the petitioners' hands does not exceed in the aggregate sum of Rs.49,44,600/- 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.49,24,600/-. The petitioners have impleaded the next kin or other persons interested and there is no next of kin or other persons interested to be impleaded.

4. The petitioners undertake to duly administer the property and credits of the deceased and to make a full and true inventory thereof and exhibit the same in this Court within six months from the date of grant of Letters of Administration in respect of their estate annexed to the petitioners and also to render to this Court a true and proper account of the said properties and credits within one year from the said date. No application has been made to any District Court or delegate or to any other High Court for the probate of any Will of the deceased or Letters of Administration with or without the Will.

5. The first petitioner examined herself as P.W.1 and deposed evidence on behalf of the other petitioners and marked the following documents viz., Exs.P1 to P6:

i) Ex.P1 is the certified copy of the Sale Deed dated 22.01.1998 in favour of K.Balagopal and Tara Balagopal.

ii) Ex.P2 is the computer generated copy of the death certificate of Mr.K.Balagopal, who died on 31.01.2010.

iii) Ex.P3 is the computer generated copy of the death certificate of Mr.K.Balagopal, who died on 31.01.2010.

iv) Ex.P4 is the affidavit of assets showing the net value of the estate as Rs.49,24,600/-.

v) Ex.P5 is a copy of paper publication effected in one issue of Tamil daily “Makkal Kural” dated 06.10.2019.

vi) Ex.P6 is a copy of paper publication effected in one issue of English daily “Trinity Mirror” dated 13.10.2019.

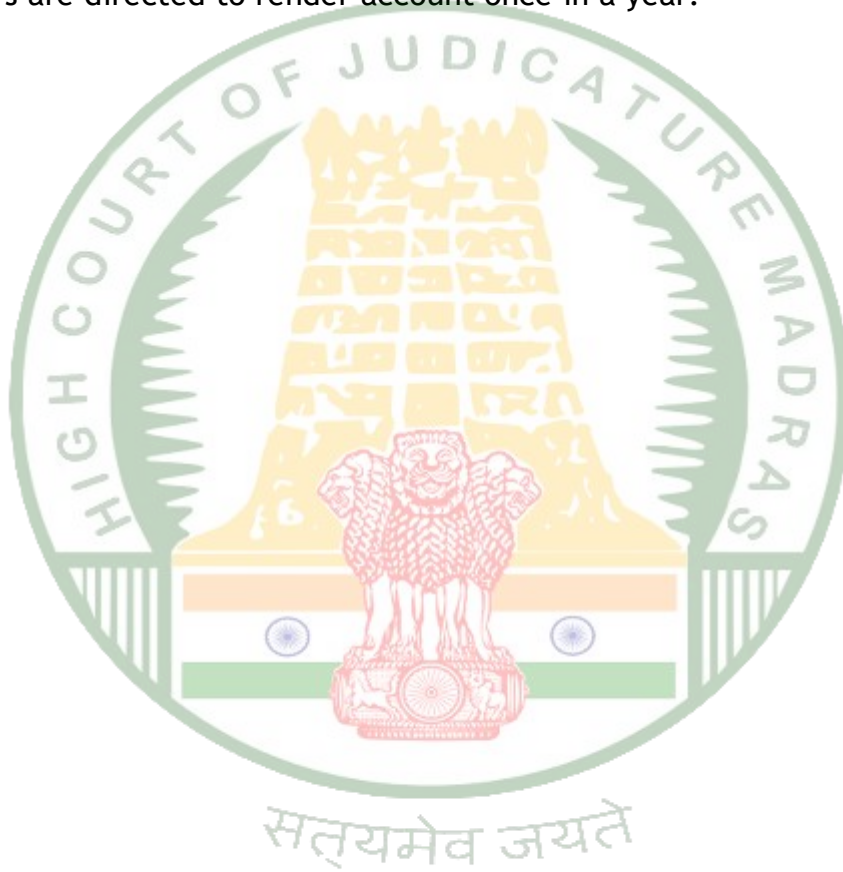
She has further stated in her evidence that she has not filed any other petition seeking the same relief.

6. Considering the averments made in the petition and on perusing the materials available on record, I am satisfied that the petitioners are entitled to the issuance of Letters of Administration.

7. Accordingly, this petition is allowed. Issue Letters of Administration in favour of the petitioners as prayed for. The petitioners are 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 directed to render account once in a year.

26.11.2019

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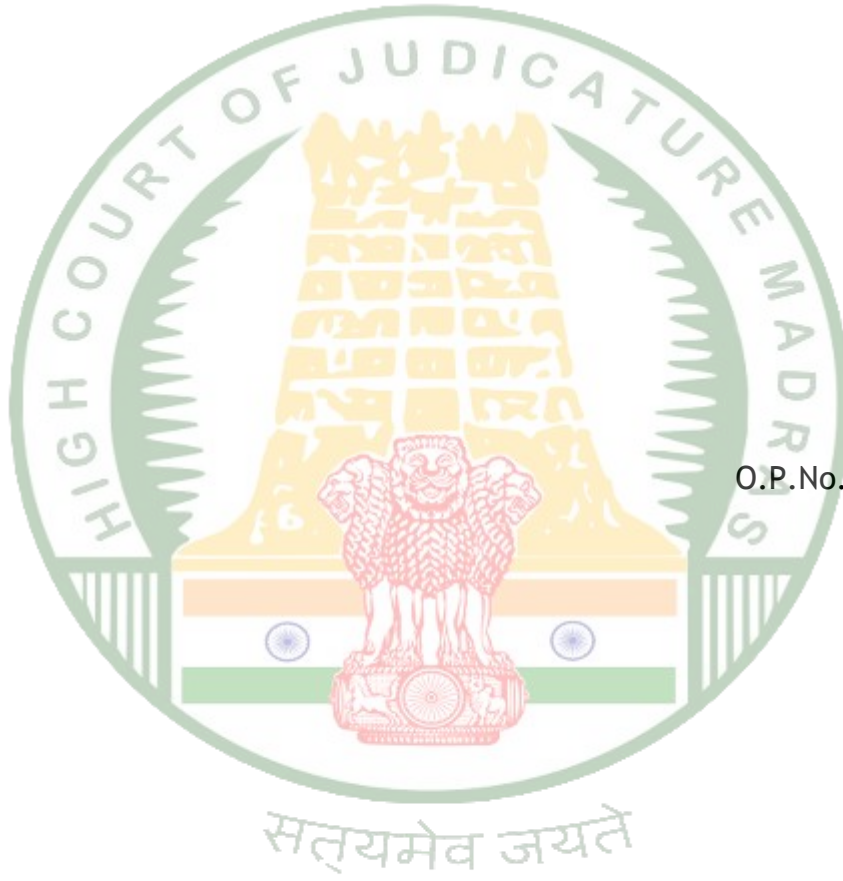


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