

O.P.No.541 of 2019

K.KALYANASUNDARAM, J.

This petition has been filed under Sections 218 & 278 of the Indian Succession Act, XXXIX of 1925 read with order XXV Rule 5 of the O.S. Rules for grant of Letters of Administration.

2. In the petition, it is stated that the deceased Mr.K.J.Sathiyarayanan ordinarily resided at Flat No.A-2, Elegant Flats, Dr.Subbaraya Nagar, VI Street, Kodambakkam, Chennai and died as bachelor on 31.01.1988. The Schedule mentioned property was purchased by the deceased on 15.03.1985 by way of Memorandum of Agreement and the same was registered as Document No.786 of 1985 and on 09.05.1985 by way of a sale deed, the same was registered as Document No.1474 of 1985. The deceased died intestate and that due and diligent search has been made for a Will but none has been found. The parents of the deceased died on 20.03.1985 and 26.05.1994 respectively. The petitioners are the brothers and sisters, who are the class II Legal heirs, of the deceased. The amount of assets which are likely to come to the petitioners hand does not exceed in the aggregate sum of Rs.30,00,000/-.

3. No application has been made to any District Court or delegate or to any High Court for Probate of any Will of the deceased or for Letters of Administration with or without the Will annexed to his properties and credits.

4. The fourth petitioner examined himself as PW1 and marked exhibits P1 to P9 and he deposed on behalf of the other petitioners also.

- a) Ex.P1 is the original death certificate of his mother Mrs.Saraswathi, who died on 20.03.1985.
- b) Ex.P2 is the original death certificate of his elder brother Mr.K.J.Sathyanarayanan, who died on 31.01.1988.
- c) Ex.P3 is the original death certificate of his father Mr.K.S.Janakiraman, who died on 26.05.1994.
- d) Ex.P4 is the original Legal Heirship Certificate dated 03.03.1988 in respect of his elder brother Mr.K.J.Sathyanarayanan.
- e) Ex.P5 is the original Legal Heirship Certificate dated 02.08.1995 in respect of his father Mr.K.S.Janakiraman.
- f) Ex.P6 is the photocopy of the Memorandum of Agreement dated 15.03.1985.
- g) Ex.P7 is the photocopy of the Sale Deed dated 09.05.1985.
- h) Ex.P8 is the affidavit of assets showing the net value of the estate as Rs.30,00,000/-.
- i) Ex.P9 (series 2 numbers) are the copies of paper publication effected in one issue of English daily "Trinity Mirror" dated 29.08.2019 and

one issue of Tamil daily "Makkal Kural" dated 05.09.2019.

He has not filed any other petition before any other Court seeking the same relief.

5. 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.

6. Accordingly, this petition is allowed as prayed for. Issue Letters of Administration in favour of the petitioners. The petitioners are directed to duly administer the properties and credits of the deceased more fully described in the schedule. 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 further directed to render true and correct accounts once in a year.

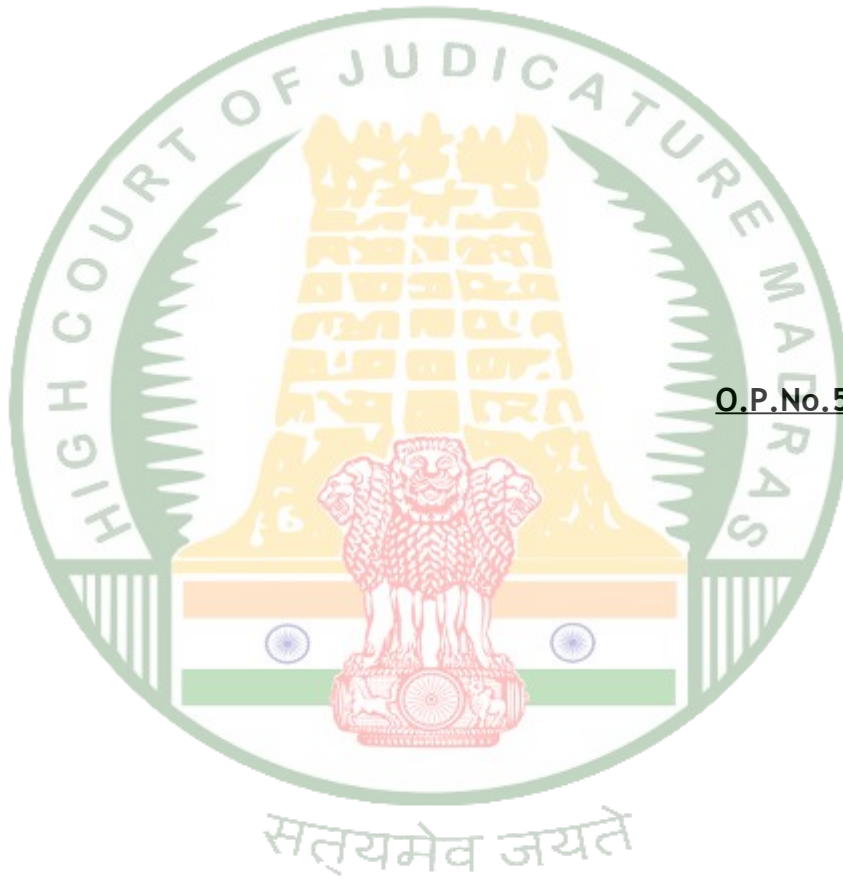
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pvs

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