

O.P.No.365 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 Madras High Court Original Side Rules for grant of Letters of Administration to the second petitioner.

2. In the petition, it is stated that the deceased R.Sankaran, ordinarily resided at Flat No.5F, 5th Floor, Saisarovar 100 ft Road, Velacherry, Chennai-600 042 and died intestate on 19.10.2018 at Prasanth Multi Specialty Hospital, Velacherry, Chennai, leaving behind the petitioners as his only surviving Class II legal heirs. The deceased possessed of property namely Flat No.5F, 5th Floor, Saisarovar, 100 ft. Road, Velacherry, Chennai-600 042, within the jurisdiction of this Court. Though due and diligence search has been made for a Will, but none has been found. The petitioners claim administration of the property, estate, assets and credits of the deceased. The deceased died as bachelor leaving behind the petitioners as his class II legal heirs. The parents and elder brother of the deceased pre-deceased him. The petitioners claim to be entitled to equal share in the estate and securities of the deceased.

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3. The amount of assets which are likely come to the petitioners' hand does not exceed in the aggregate sum of Rs.60,00,000/- and net amount of the said assets, after deducting all items which the petitioners by law allow to deduct, is only the value of Rs.60,00,000/-.

4. The petitioners hereby undertakes 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 grant of Letters of Administration to the petitioners and also render to this Court a true account of the said property of the credit within one year from the said date. No application has been made to any District Court or delegate or in any other High Court for Letters of Administration to his property and credits.

5. The second petitioner examined herself as PW1, and reiterated the averments made in the petition and filed the following documents viz., Exs.P1 to P10.

- a) Ex.P1 is the original death certificate of my father R.Ramamoorthy, who died on 05.07.2002.
- b) Ex.P2 is the original Legal Heirship certificate dated 22.04.2008 in respect of my deceased father R.Ramamoorthy.
- c) Ex.P3 is the computer generated death certificate of my younger brother R.Sivaraman, who died on 07.04.2009.
- d) Ex.P4 is the computer generated death certificate of my mother Visalam, who died on 21.06.2010.
- e) Ex.P5 is the photocopy of the Sale Deed dated 06.09.2013 executed in favour of my younger brother R.Sankaran (Marked after comparing and verifying with the original).
- f) Ex.P6 is the computer generated death certificate of my younger brother R.Sankaran, who died on 19.10.2018.

- g) Ex.P7 is the consent affidavit given by the 1st petitioner.
- h) Ex.P8 is the affidavit of assets showing the net value of the estate as Rs.60,00,000/-.
- i) Ex.P9 is a copy of paper publication effected in one issue of Tamil Daily "Maalai Sudar" dated 01.08.2019.
- j) Ex.P10 is a copy of paper publication effected in one issue of English Daily "News Today" dated 09.08.2019.

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 second petitioner is entitled for issuance of Letters of Administration.

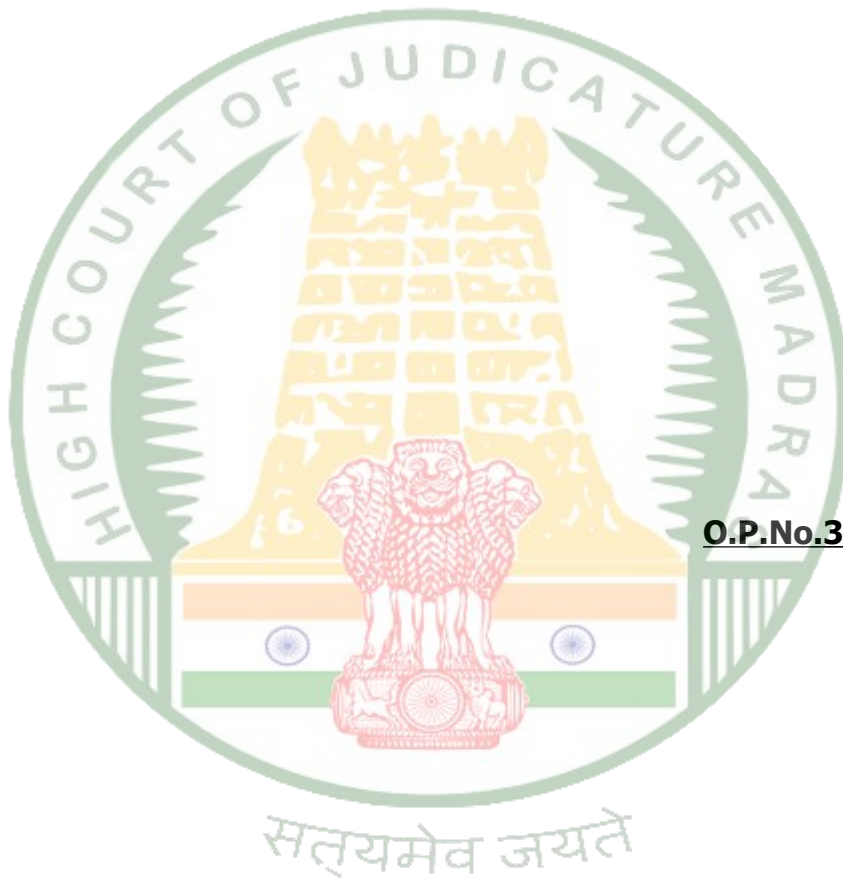
7. Accordingly, this petition is allowed. Issue Letters of Administration in favour of the second petitioner herein. The second petitioner is directed to duly administer the properties and credits of the deceased. The second petitioner is also directed to execute a security bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) in favour of the Assistant Registrar (O.S.II), High Court, Madras. The second petitioner is further directed to render true and correct accounts once in a year.

04.10.2019

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