

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(TESTAMENTARY AND INTESTATE JURISDICTION)

FRIDAY, THE 13TH DAY OF SEPTEMBER 2019

THE HON'BLE MR. JUSTICE K.KALYANASUNDARAM

O.P. No.554 of 2018

In the matter of Indian
Succession Act, 1925

and

In the matter ESTATE of
Vijayalakshmi (Deceased
Intestate)

1. Mr.R.Lakshmi Narayanan
S/o.Mr.R.Kothandapani,
No.18/14, Ayya Street,
Royapettah, Chennai - 600 014 ..Petitioner
Vs

1. Mrs.R.Yasoda Bai [RESPONDENT]
W/o.Mr.T.Gajendran
No.3/236, C Type, Sidco Nagar,
Villivakkam, Chennai- 600 049

2. Mrs.R.Saraswathy
W/o.Mr.K.Deenadayalan
No.18/14, Ayya Street,
Royapettah
Chennai - 600 014 ..Respondents

Original Petition praying that this Hon'ble Court be
pleased that Letters of Administration to the property and
credits of the deceased to the petitioner as the
beneficiary to have effect throughout the State of Tamil Nadu

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, 1925 r/w. Order XXV Rule
5 of the High Court Original Side Rules 1956, seeking the
grant of Letters of Administration.

2. The deceased Vijayalakshmi ordinarily resided at
<https://hcservices.ecourts.gov.in/hcservices/>
No.18, Ayya Street, Chennai-600 014 and died on 07.06.2017

at Government Royapettah Hospital, Peters Road, Royapettah, Chennai-600 014 and left the property within the jurisdiction of this Court. The petitioner and respondents are the brother and sisters of the deceased Vijayalakshmi. The parents of the deceased viz., R.Kothandapani and K.Padmavathy predeceased her and her husband Mr.Dharani babu also died on 21.06.1997 and there are no class I legal heirs for the deceased Vijayalakshmi. The deceased at the time of her death left behind the petitioner and respondents as her only surviving legal heirs, who claim to be entitled a share of the estate of the deceased. The respondents herein have also given an affidavit of consent for the grant of letters of administration in favour of the petitioner.

3. The deceased Testatrix had left her residential house, which she had purchased during her life time, morefully described in the schedule. The deceased was in possession and enjoyment of the said property till her death. The amount of assets which are likely to come into the hands of the petitioner does not exceed in the aggregate sum of Rs.35,00,000/-.

4. No application has been made to any District Court or delegate or to any High Court for probate of any Will of the said deceased Vijayalakshmi or Letters of Administration with or without the Will annexed of her property and credits. The petitioner undertakes to duly administer the property and credits of the deceased in any

way concerning her Will by paying first her debts and then the legacies therein bequeathed so far as the assets will extend 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 to the petitioner and also to render to this Court a true account of the said property and credits within one year from the said date.

5. The petitioner examined himself as P.W.1, and reiterated the averments made in the petition and filed the following documents viz., Ex.P.1 to Ex.P.10.

- a) Ex.P1 is the photocopy of the Sale Deed dated 01.05.1943 in favour of Raginandala Kothandapani Naidu (Marked after comparing and verifying with the original).
- b) Ex.P2 is the photocopy of the patta bearing C.A.No.1094/77-78 in the name K.Padmavathy (Marked after comparing and verifying with the original).
- c) Ex.P3 is the photocopy of the death certificate of R.Kothandapani Naidu, who died on 19.12.1974 (Marked after comparing and verifying with the original).
- d) Ex.P4 is the photocopy of the Legal Heirship certificate dated 03.04.2002 in respect of R.Kothandapani Naidu (Marked after comparing and verifying with the original).
- e) Ex.P5 is the computer generated copy of the death certificate of Mr.Dharanibabu, who died on 21.06.1997.
- f) Ex.P6 is the computer generated copy of the death certificate of Mrs.K.Padmavathy, who died on 07.09.2012.
- g) Ex.P7 is the photocopy of the Legal Heirship

certificate dated 7.05.2012 in respect of Mrs.K.Padmavathy (Marked after comparing and verifying with the original).

- h) Ex.P8 is the computer generated copy of the death certificate of vijayalakshmi, who died on 07.06.2017.
- i) Ex.P9 is the affidavit of assets showing the net value of the property as Rs.35,00,000/-.
- j) Ex.P10 (Series 2 Nos) are the copies of the paper publication effected in one issue of Tamil daily ''Makkal Kural'' dated 22.05.2019 and one issue of English daily ''Trinity Mirror dated 29.05.2019.

He has further stated that in his evidences that he has not filed any other petition before any other court seeking the same relief.

6.The first and second respondents examined as R.W.1 and R.W.2 and marked exhibits Ex.R1 and Ex.R2.

Ex.R1 is the consent affidavit filed by the 1st Respondent.

Ex.R2 is the consent affidavit filed by the 2nd Respondent.

7. 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.

8. Accordingly, this petition is allowed. Letters of Administration shall be issued in favour of the petitioner. The petitioner is directed to duly administer the property and credits of the deceased more fully

described in the Will. 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.

13.09.2019

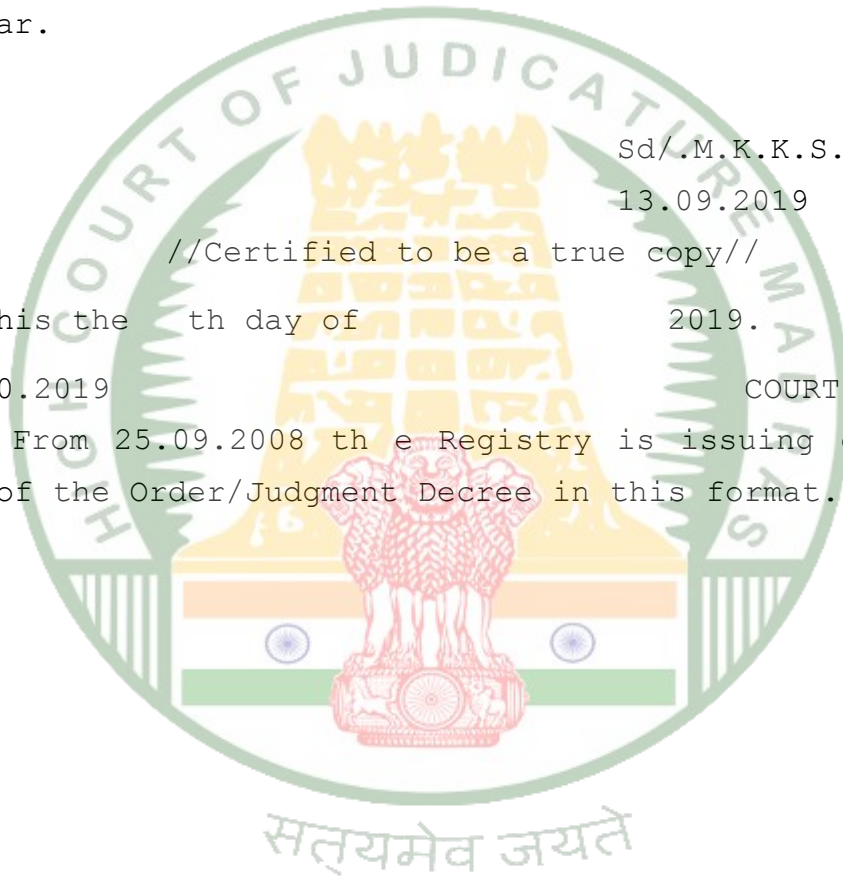
//Certified to be a true copy//

Dated this the th day of 2019.

SU/14.10.2019

COURT OFFICER

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



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