

O.P.No.528 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 petitioner.

2. In the petition, it is stated that the deceased Dr.K.Janardhanam, the paternal grand father of the petitioner herein, was originally resided at Old No.59, New No.16, Montieth Lane, Egmore, Chennai-600 008 and subsequently resided at Flat No.1A, "Century Apartments", No.6/1D, Barnaby Road, Kilpauk, Chennai-600 010 and died intestate on 07.03.2018 at Southern Railway Hospital, Chennai, leaving behind the petitioner as his only Class I legal heir. The deceased possessed of and left the properties, within the jurisdiction of this Court. Though due and diligence search has been made for a Will, but none has been found. The petitioner claims administration of the property, estate, assets and credits of the deceased. The wife of the deceased predeceased her husband on 06.10.2004 leaving behind her husband and her son as her surviving legal heirs. The son of the deceased also predeceased his father on 15.03.2015 leaving behind him, his wife/mother of the petitioner and his only daughter/the petitioner herein as his legal heirs. It is further stated that the mother of the petitioner remarried after the death of petitioner's father. Now, the petitioner is the only class-I legal heir of the deceased

Dr.K.Janardhanam as per the Hindu Succession Act and she is entitled to administer his estates.

3. The amount of assets which are likely come to the petitioner's hand does not exceed in the aggregate sum of Rs.1,50,00,000/- 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.1,49,80,000/-.

4. The petitioner 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 power agent of the petitioner examined himself as PW-1, and reiterated the averments made in the petition and filed the following documents viz., Exs.P1 to P15.

a) Ex.P1 is the original general power of attorney dated 05.04.2019 executed by the petitioner in his favour to represent him in this case.

- b) Ex.P2 is the computer generated death certificate of Dr.K.Janardhanam, who died on 07.03.2018.
- c) Ex.P3 is the computer generated death certificate of Dr.K.P.Ramani Janardhanam, who died on 06.10.2004.
- d) Ex.P4 is the photocopy of the Legal Heirship certificate in respect of Ramani Janardhanam.
- e) Ex.P5 is the computer generated death certificate of K.J.Hemanth, who died on 15.03.2015.
- f) Ex.P6 is the photocopy of the Legal heirship Certificate in respect of K.J.Hemanth.
- g) Ex.P7 is the photocopy of the birth certificate of the petitioner H.Hasini, who born on 03.01.1996.
- h) Ex.P8 is the photocopy of Family card for the period 2005-2009 in respect of Dr.K.Janardhanam.
- i) Ex.P9 is the photocopy of the passport of the petitioner bearing No.K7213350.
- j) Ex.P10 is the photocopy of the Settlement Deed dated 12.05.2011 registered as Doc.No.1744 of 2011 at SRO, Purasawalkam.
- k) Ex.P11 is the photocopy of the Sale Deed dated 05.12.1994 in favour of Dr.K.Janardhanam registered as Doc.No.341 of 1995 at SRO, Villivakkam.
- l) Ex.P12 is the photocopy of Builders Agreement dated 28.11.1994 between Indian Railway Welfare Organisation and Dr.K.Janardhanam.
- m) Ex.P13 is the affidavit of assets showing the net value of the estate as Rs.1,49,80,000/-.
- n) Ex.P14 is a copy of paper publication effected in one issue of Tamil Daily "Makkal Kural" dated 28.09.2019.
- o) Ex.P15 is a copy of paper publication effected in one issue of English Daily "Trinity Mirror" dated 05.10.2019.

He has further stated in his evidence that he 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 petitioner is entitled for issuance of Letters of Administration.

7. Accordingly, this petition is allowed. Issue Letters of Administration in favour of the petitioner herein. The petitioner is directed to duly administer the properties and credits of the deceased. 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.

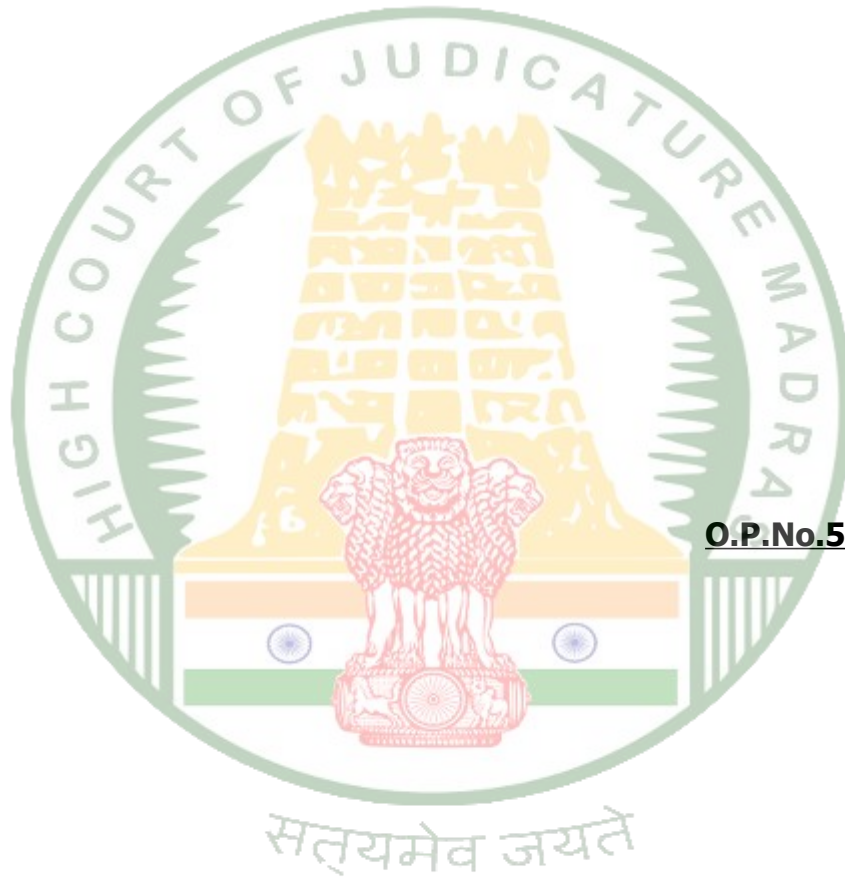
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