

O.P.No.950 of 2018

K.KALYANASUNDARAM, J.

This petition has been filed under Sections 218 and 278 of the Indian Succession Act, 1925 and Order XXV Rule 5 of O.S. Rules, 1956 for grant of Letters of Administration.

2.In the petition, it is stated that the deceased S.Kamala died on 06.03.2014 at her residence at No.110, Moorthinagar Street, Vyasarpadi, Chennai - 600 039. The husband of the deceased, viz. Mr.Subramani pre-deceased Smt.S.Kamala. The petitioners are the sons and daughters of the elder brother of the deceased Subramani. The deceased Subramani and S.Kamala had no issues and at the time of the death, they left behind the petitioners herein as their only surviving Class II legal heirs, who claims to be entitled a share of the estate of the deceased. The deceased S.Kamala died intestate and though due and diligent search has been made for Will, but, none has been found.

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3.The amount of assets which are likely to come in to the petitioners hands do not exceed in the aggregate sum of Rs.4,00,000/- and the net amount

of said assets, after deducting all items which the petitioners are by law allowed to deduct, is of the value of Rs.4,00,000/-.

4. No application has been made to any District Court or delegate or any other High Court for probate or for Letters of Administration with or without the Will or codicil annexed to his properties or credits. 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 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 first petitioner examined herself as P.W.1, and reiterated the averments made in the petition and filed the following documents viz., Exs.P1 to P9.

- 1) Ex.P1 is the photocopy of the Marriage Invitation card of A.Arumugam and E.Sooriyakala (Marked after comparing and verifying with the original).
- 2) Ex.P2 is the computer generated copy of the death certificate of Subramani, who died on 28.08.2002.

- 3) Ex.P3 is the photocopy of the allotment order dated 23.11.2012 in favour of Kamala issued by Tamil Nadu Housing Board (Marked after comparing and verifying with the original).
- 4) Ex.P4 is the computer generated copy of the death certificate of S.Kamala, who died on 06.03.2014.
- 5) Ex.P5 is the computer generated copy of the death certificate of Elumalai, who died on 16.04.2016.
- 6) Ex.P6 is the copy of the representation dated 09.02.2018 given by us to the Tahsildar, Perambur for issuance of Legal Heirship certificate along with the acknowledgment receipt.
- 7) Ex.P7 is the affidavit of assets showing the net value of the estate as Rs.4,00,000/-.
- 8) Ex.P8 is a copy of paper publication effected in one issue of Tamil daily "Makkal Kural" dated 21.05.2019.
- 9) Ex.P9 is a copy of paper publication effected in one issue of English daily "Trinity Mirror" dated 28.05.2019.

She has further stated that she has not filed any other petition before any other court seeking the same relief.

6.The fifth petitioner examined himself as P.W.2, and reiterated the averments made in the petition and filed the following document viz., Ex.P10.

Ex.P10 is the photocopy of the letter dated 05.03.2018 addressed to me by the Tahsildar, Perambur Taluk.

He has further stated that he has not filed any other petition before any

other court seeking the same relief.

7.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.

8.Accordingly, this petition is allowed. 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 Will. 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.

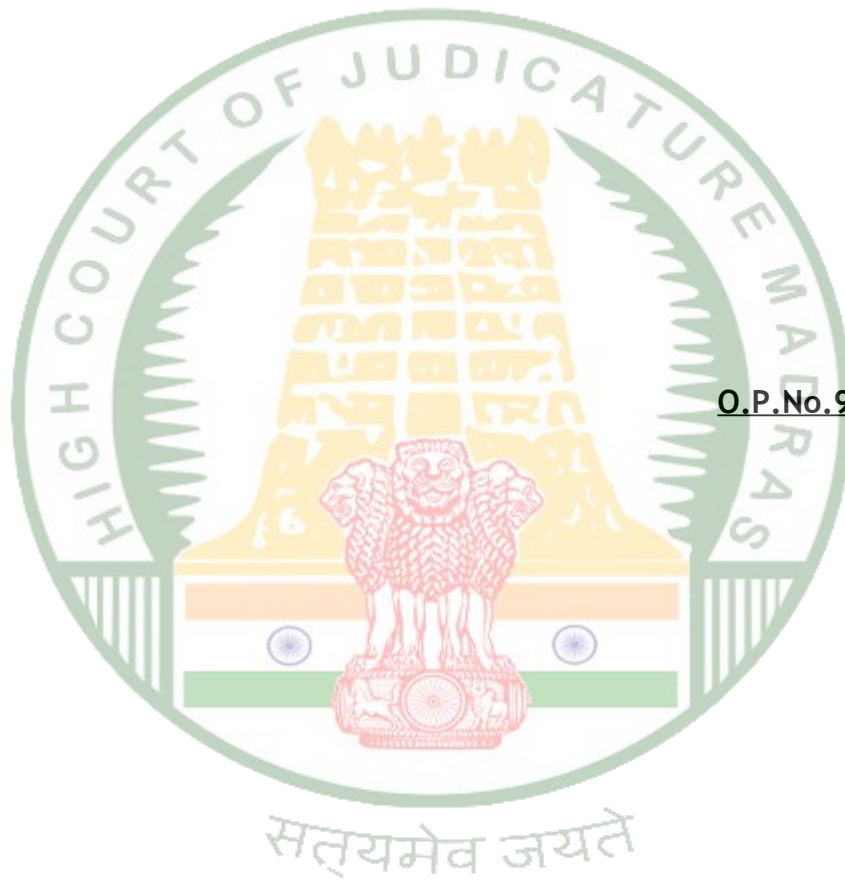
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