

O.P.No.1175 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 P.Maheswaran alias Dillibabu died on 23.01.2006. The first petitioner is the wife and the petitioners 2 and 3 are the daughters of the deceased P.Maheswaran alias Dillibabu. The parents of the deceased P.Maheswaran alias Dillibabu executed a settlement deed to their fifth son, namely, the deceased P.Maheswaran alias Dillibabu vide Document No.1982/1978 dated 04.08.1978 on the file of the Sub-Registrar, Sembium. The deceased P.Maheswaran alias Dillibabu at the time of the death, left behind the petitioners herein as his Class I legal heirs, who claims to be entitled a share of the estate of the deceased. The deceased P.Maheswaran alias Dillibabu died intestate and though due and diligent search has been made for Will, but, nothing has been found.

3.The amount of assets which are likely to come in to the petitioners

hands do not exceed in the aggregate sum of Rs.31,56,300/- 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.31,56,300 /-.

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 second 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 certified copy of the Settlement Deed dated 04.08.1978 registered as Doc.No.1 of 1978 at SRO, Sembium in favour of my father P.Maheswaran @ Dillibabu.
- 2) Ex.P2 is the computer generated death certificate of my father P.Maheswaran @ Dillibabu, who died on 23.01.2006.

- 3) Ex.P3 is the photocopy of the Legal Heirship certificate dated 03.08.2016 in respect of my father P.Maheswaran @ Dillibabu (Marked after comparing and verifying with the original).
- 4) Ex.P4 is the photocopy of the Aadhaar card of my mother who is the 1st petitioner herein (Marked after comparing and verifying with the original).
- 5) Ex.P5 is the photocopy of the Aadhaar card of my sister who is the 3rd petitioner herein (Marked after comparing and verifying with the original).
- 6) Ex.P6 is the photocopy of my Aadhaar card (Marked after comparing and verifying with the original).
- 7) Ex.P7 is the affidavit of assets showing the net value of the estate as Rs.31.56.300/-.
- 8) Ex.P8 is a copy of paper publication effected in one issue of Tamil daily "Maalai Sudar" dated 21.08.2019.
- 9) Ex.P9 is a copy of paper publication effected in one issue of English daily "News Today" dated 13.07.2019.

She has further stated that she has not filed any other petition before any other court 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 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.

18.10.2019

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