

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2020

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

O.P.No.476 of 2019

1. R.Parvathi
2. V.Rajalakshmi
3. R.Ramasubramaniam
4. R.Bhaskaran
5. R.Kunjammal
6. D.Radhika
7. R.Padmanabhan
8. Latha Hariharan
9. Rajee Sundaram
10. K.Mahalakshmi
11. K.Venkatesan
12. K.Manikantan

...Petitioners

Original Petition filed for issue of Succession Certificate under Section 218 and 278 of the Indian Succession Act & under Order XXV Rule 5 of the Original Side Rules praying that the Letters of Administration to the property and credits of the deceased to have effect throughout the State of Madras may be granted to the petitioners.

For Petitioners : M/s.T.M.Hariharan

ORDER

This petition is filed for the grant of Letters of Administration to the petitioners in respect of the immovable property described in the Schedule to the petition.

2. I heard the learned counsel for the petitioners.

3. The learned counsel for the petitioners submitted that the petitioners 1 to 8 are the siblings of the deceased R.Jeyalakshmi and the petitioners 9, 10, 11 & 12 are the children of the pre-deceased sister of the petitioners viz., K.Sulochana. He further submits that R.Jeyalakshmi died intestate on 20.07.2018 at Vijaya Hospital, Vadapalani, Chennai, as a spinster and she ordinarily resided at Plot No.46, Door No.7/4, Arunagiri Street, West Kamakoti Nagar, Valasarawakkam, Chennai-87, which is within the jurisdiction of this Court. He further submitted that evidence was recorded in support of the petition and that the 7th petitioner was examined as P.W.1. In the course of the examination in chief of P.W.1, the following 16 documents were exhibited as Ex.P1 to Ex.P16:

Ex.P1 - The photocopy of the death certificate of S.A.Ramasamy, who died on 21.01.1987 (Marked after comparing and verifying with the original).

Ex.P2 - The photocopy of the death certificate of K.Sulochana, who died on 21.01.2000 (Marked after comparing and verifying with the original).

Ex.P3 - The photocopy of the Legal Heirship certificate dated 17.09.2002 in respect of K.Sulochana (Marked after comparing and verifying with the original).

Ex.P4 - The computer generated copy of the death certificate of Mrs.R.Meenakshi, who died on 26.02.2013.

Ex.P5 - The computer generated copy of the legal heirship certificate dated 14.11.2018 in respect of Mrs.R.Meenakshi.

Ex.P6 - The computer generated copy of the death certificate of Mrs.R.Jeyalakshmi, who died on 20.07.2018.

Ex.P7 - The photocopy of the registered sale Deed 17.02.1988 in favour of Mrs.R.Jeyalakshmi which has been registered as Doc. no.539 of 1988 on the file of the office of the Sub Registrar, Virugambakkam (marked after comparing and verifying with the originals).

Ex.P8 - The downloaded copy of the patta bearing No.12465 issued by Tahsildar, Valasaravakkam.

Ex.P9 - The photocopy of the property tax demand card bearing No.0796166 in the name of Mrs.Jeyalakshmi (marked after comparing and verifying with the originals).

Ex.P10 – The computer generated copy of the property tax receipt dated 09.11.2018 issued by Greater Chennai Corporation.

Ex.P11- The photocopy of the property tax demand card bearing No.0796200 in the name of Mrs.Jeyalakshmi (marked after comparing and verifying with the originals).

Ex.P12 - The computer generated copy of the property tax receipt dated 24.12.2018 issued by Greater Chennai Corporation.

Ex.P13 - The computer generated copy of the encumbrance certificate dated 17.09.2018 issued by SRO, Virugambakkam.

E.P14 – The computer generated copy of the encumbrance certificate dated 17.09.2018 issued by SRO, Virugambakkam.

Ex.P15 – A affidavit of assets showing the net value of the estate as Rs.1,00,00,000/-.

Ex.P16 – The copies of paper publications effected in one issue of Tamil daily "Makkal Kural" dated 29.08.2019 and one issue of English daily "Trinity Mirror" dated 05.09.2019.

4. The learned counsel submitted that the said documents include the death certificate of R.Jeyalakshmi, which was marked as Ex.P6, the death certificate of K.Sulochana, which was marked as Ex.P2. The legal

heirship certificate dated 17.09.2003 in respect of K.Sulochana, which was marked as Ex.P3. He also pointed out that the parents of R.Jeyalakshmi, pre-deceased her and that in order to establish the same, the death certificate of the father viz., S.A.Ramasamy, who died on 21.01.1987 was marked as Ex.P1 and that of the mother R.Meenakshi, who died on 26.2.2013, was marked as Ex.P4. He also submitted that paper publications were duly effected in one issue of the Tamil daily "Makkal Kural" dated 29.08.2019 and one issue of the English daily "Trinity Mirror" dated 05.09.2019. Based on the aforesaid, the learned counsel submitted that the petitioners are entitled to the grant of letters of administration in respect of the estate of R.Jeyalakshmi.

5. I considered the submissions of the learned counsel and examined the evidence recorded in this case. I find that the following is evident:

(i) The petitioners have produced the death certificate of R.Jeyalakshmi (Ex.P6) and this document shows that she died on 20.07.2018.

(ii) In addition, the death certificates of the parents of the petitioners have been marked as Ex.P1 and Ex.P4 and these documents

show that the father died on 21.01.1987 and the mother died on 26.02.2013.

(iii) The legal heirship certificate of the mother dated 14.11.2018 has been marked as Ex.P5 and this document shows the names of the petitioners 1 to 8 as the Class – I legal heirs of the deceased.

(iv) Paper publication was duly effected in one issue of the Tamil daily "Makkal Kural" on 29.08.2019 and one issue of the English daily "Trinity Mirror" on 05.09.2019 and the said paper publications have been marked as Ex.P16."

6. On examining the above evidence, I conclude that the petitioners have made out the case for the grant of letters of administration. It is also stated in the petition that no application was made to any District Court or Delegate or to any High Court for Probate of any Will of the deceased or for issuance of Letters of Administration with or without Will annexed and no earlier application was filed for succession certificate in respect of the estate of the deceased. Therefore, I find that there is no impediment to the grant of letters of administration and the petitioners had made out a case to succeed to the estate of the deceased.

7. Accordingly, this petition is allowed and it is directed that Letters of Administration be granted to the petitioners in respect of the assets described in the Schedule to the petition. The petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) in the name of the Assistant Registrar (Original Side), High Court of Madras. In addition, the petitioners shall also provide a full and true inventory of the property and credits and also true accounts within a period of six months and one year, respectively, from the date of grant of letters of administration.

06.02.2020

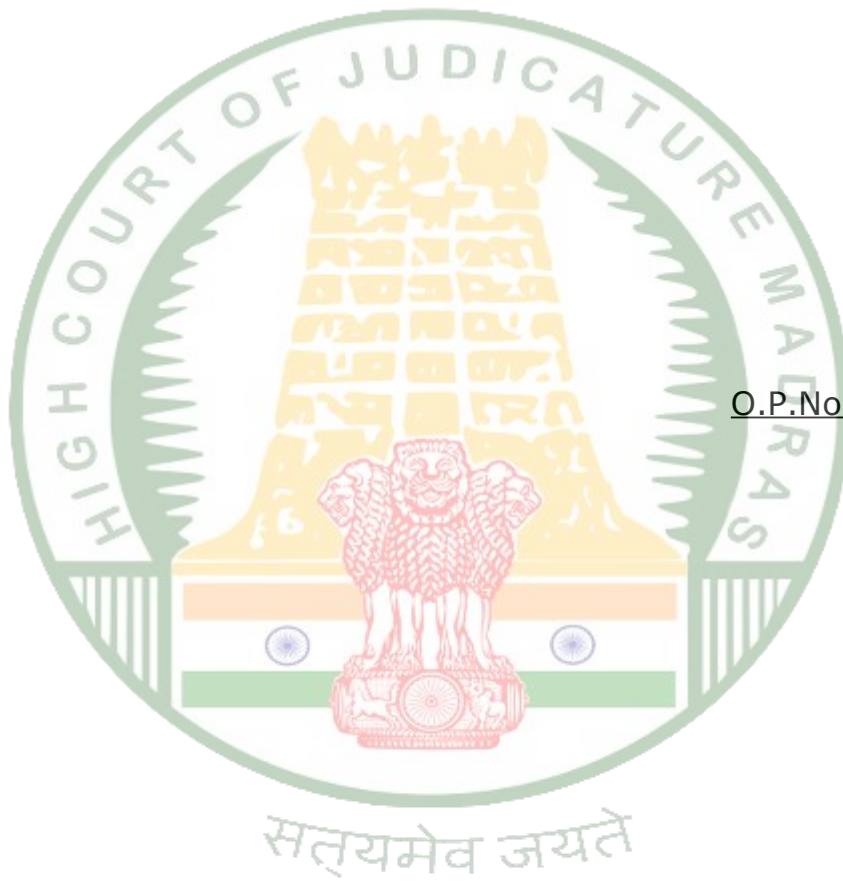
Speaking (or) Non Speaking Order
Index : Yes/ No
Internet : Yes
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SENTHILKUMAR RAMAMOORTHY, J.

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06.02.2020