

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

MONDAY, THE 09TH DAY OF NOVEMBER 2020

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

O.P.NO.38 of 2018

In the matter of Indian Succession
Act (XXXIX of 1925)
and
In the matter of Estate of
P.T.Radhakrishnan-Died Intestate

1.C.R.Srinivasan,
S/o.Late P.T.Radhakrishnan

2.C.R.Dhanasekar,
S/o.Late P.T.Radhakrishnan

Both are residing at
Old No.6, New No.11, Rajagopal Naicken Lane,
Chintadripet, Chennai - 600 002

...Petitioners

सत्यमेव जयते
-VS-

1.R.Ramani,
W/o.Late P.T.Radhakrishnan

2.R.Vijayalakshmi,
W/o.P.Arumugam

3.R.Kaveri,
W/o.Karthikeyan

all are residing at
Old No.6, New No.11
Rajagopal Naicken Lane,
Chintadripet, Chennai 600 002

...Respondents

4. RAMESH BABU

S/o.Late Lakshmi Devi @ Kannammal No.54,
Srinivasa Perumal Sannadhy,
First Street, Royapettah,
Chennai-600014

5. MOORTHY

S/o.Late Thilagavathy,
No.102, Singana Chetty Street,
Chindadripet,
Chennai-600002

(R4 and R5 impleaded as per
Ord.dt.15.09.2020 in A.No.9133/2019)

...Respondents

Original Petition praying that this Hon'ble Court may be pleased to grant Letters of Administration to the properties and credits of the deceased P.T.Radhakrishnan in favour of the petitioners 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:

Instant Original Petition has been filed under Section 218 of the Indian Succession Act and Order XXV Rule 5 of the Original Side Rules.

2. Petitioners are the sons of the first respondent and deceased

P.T.Radhakrishnan. Respondents 2 and 3 are the sisters of the petitioners

and respondents 4 and 5 are the aunt of the petitioners. It is the contention

that the property is left by P.T.Radhakrishnan, leaving behind his wife two sons and two daughters. Hence, the petitioners seek to grant Letters of Administration to the properties and credits of their deceased father Mr.P.T.Radhakrishnan.

3. The first petitioner has examined himself as P.W.1 and Exs.P.1 to P.15 have been marked.

4. Ex.P.1 is the photocopy of the registered sale deed dated 24/4/1952 in favour of Mr.P.T.Thangavelu Mudaliar. Ex.P.2 is the computer generated copy of the death certificate of Mr.P.T.Thangavelu Mudaliar, who died on 7/6/1959. Ex.P.3 is the computer generated copy of the death certificate of Komala Ammal, who died on 6/4/1972. Ex.P.4 is the computer generated copy of the death certificate of Thilagavathy, who died on 3/1/1988. Ex.P.5 is the computer generated copy of the death certificate of Kannammal, who died on 24/11/1992. Ex.P.6 is the computer generated copy of the death certificate of Mr.P.T.Radhakrishnan, who died on 7/11/1986. Ex.P.7 is the photocopy of the legal heirship certificate dated 30/6/2000 in respect of Mr.P.T.Radhakrishnan. Ex.P.8 is the computer generated copy of the property tax receipt dated 24/11/2016. Ex.P.9 is the photocopy of CMWSS Board receipt dated 22/9/2017 in the name of

P.T.Radhakrishnan. Exs.P.10 to P.12 are the consent affidavits given by the respondents 1 to 3, respectively. Ex.P.13 is the affidavit of assets showing the net value of the property at Rs.27,36,000/-. Ex.P.14 is a copy of paper publication effected in one issue of Tamil daily “Maalai Sudar” dated 10/3/2018. Ex.P.15 is a copy of paper publication effected in one issue of English daily “News Today” dated 17/3/2018.

5. Ex.P.6 has been filed to prove the death of P.T.Radhakrishnan. Exs.P.10 to P.12 have been filed to prove the consent given by respondents 1 to 3. Paper publication has been effected in tamil and English dailies. To substantiate the case of the petitioners, they had filed Exs.P.14 and P.15.

6. In view of the above facts, I am of the view that the petitioners are entitled for the issuance of Letters of Administration in their favour.

7. 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 schedule. The petitioners are also directed to execute a security bond for a sum of Rs.25,000/- (Rupees twenty five thousand only)

petitioners are further directed to render true and correct accounts once in a year.

Sd/.N.S.K.J.
09.11.2020

//Certified to be a true copy//

Dated this the day of 2020.

SU.11.12.2020

COURT OFFICER (O.S.)

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



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