

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.01.2020

CORAM:

THE HON'BLE MR. JUSTICE SENTHILKUMAR RAMAMOORTHY

O.P. No. 404 of 2019

Vimala Narayanan

... Petitioner

VS

1. S.Ambujakshi
2. Kanakathara Ramamurthy
3. S.Nagarajan
4. S.Ramanathan
5. Anandhi Nageswaran
6. S.Gangadhar

... Respondents

Prayer: Original Petition filed under Sections 218 and 278 of the Indian Succession Act 1925 and read with Order XXV Rule 5 of OS Rules, to grant Letters of Administration limited to the property and credits of the deceased K.S.Ganapathy and Lalitha Ganapathy as mentioned in the affidavit of assets viz., 366 sq. ft undivided share of land from and out of the total extent of 8 grounds and 1951 sq. ft. bearing Door No.97, 5th Avenue, Ashok Nagar, Chennai-83, comprised in T.S.No.97/7, 97/8, 97/9, 97/10, 97/11, 97/12, Block No.19, Kodambakkam Village (Kadambakkam Nagaram) together with a Flat measuring an extent 875 Sq. ft. super built up area including a share in the common areas in First Floor bearing Flat No.53 in Block B, Asian Towers, as a property tax new Flat Door No.4/9, Old Door No.97/7/A9, 5th Avenue, Ashok Nagar, Chennai-83 to have effect limited to the State of Tamil Nadu may be granted to the petitioner.

For Petitioner : Mr.G.Govindarajan

For respondents : Mr.T.Moorthy

J U D G M E N T

This petition is filed for grant of Letters of Administration in respect of the property and credit of Late Mr.K.S.Ganapathy.

2. I heard the learned counsel for the petitioner.

3. The learned counsel for the petitioner submitted that the petitioner's brother, Mr.K.S.Ganapathy, died on 11.05.2013, at Vijaya Hospital, Vadapalani, Chennai and that he ordinarily resided at Flat No.A-9, 5th Avenue, Asian Towers, Ashok Nagar, Chennai-600 083, within the jurisdiction of this Court.

4. The learned counsel further submitted that Mr.K.S.Ganapathy's wife died on 30.05.2017 and that the couple do not have any children. He also submitted that the parents of Mr.K.S.Ganapathy pre-deceased him. He pointed out that evidence was adduced by examining the petitioner as P.W.1. During the course of her evidence, P.W.1 has marked nine documents. He further pointed out that, as per the proof affidavit of the petitioner, the petitioner admitted that respondents 1 to 6 are entitled to a share in the immovable property at Ashok Nagar, Chennai and that therefore, the petition has been filed so as to enable to the petitioner to administer the estate of Mr.K.S.Ganapathy.

5. Based on the foregoing reasons, he submitted that the petitioner is entitled to the grant of Letters of Administration.

6. I considered the submissions of the learned counsel for the petitioner and examined the evidence recorded in the matter.

7. From the above, I find the following:

1. The death certificate of the petitioner's elder brother viz., Mr.K.S.Ganapathy, was marked as Ex.P3, which shows that he died on 11.05.2013; and
2. The death certificate of Mr.K.S.Ganapathy's wife was marked as Ex.P4, which shows that she died on 30.05.2017.

8. It is stated in the petition that the parents of Mr.K.S.Ganapathy pre-deceased him. Paper publication was also duly effected both in Tamil daily viz., Makkal Kural, issue dated 06.11.2019 and in the English daily viz., Trinity Mirror issue dated 30.11.2019.

9. The 4th respondent has given a consent affidavit stating that he has no objection to the grant of Letters of Administration to the petitioner.

10. It is also stated in the petition that no previous application was made to a District Court or Delegate or to any other High Court for probate of any Will of the deceased or Letters of Administration with or without the Will annexed of his property and credits.

11. Therefore, it is clear that the petitioner has established that she is entitled to the grant of Letters of Administration. Accordingly, this petition is allowed by granting Letters of Administration to the petitioner in respect of the estate of the deceased Mr.K.S.Ganapathy as specified in the affidavit of assets.

12. The petitioner is directed to 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. The petitioner is further directed to provide a full and true inventory of the property and credits and also a true account, within the time limit specified in paragraph No.9 of the petition.

09.01.2020

Index:Yes/No

Internet:Yes/No

Speaking Order/Non speaking order

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SENTHILKUMAR RAMAMOORTHY, J.

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