

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

THURSDAY, THE 04TH DAY OF FEBRUARY 2021

THE HON'BLE MR. JUSTICE R.PONGIAPPAN

O.P.No.540 of 2019

In the matter of Indian Succession
Act XXXIX of 1925

and

In the matter of estate of Selvi
S.Kanagalakshmi died intestate

R.Karpagam,
W/o.V.Ravichandran,
D/o.Late Sankaralingam Nadar,
No.35, J-Block,
Sivalingapuram, K.K.Nagar,
Chennai-600078.

..Petitioner

Original petition praying that this Hon'ble Court be pleased that Letters of Administration pertaining to the immovable property of the deceased Selvi S.Kanagalakshmi morefully described in the schedule of the petition to have effect throughout the State of Tamilnadu may be granted to the petitioner.

This Original Petition coming on this day before this court for hearing the court made the following order:

This Petition has been filed under Sections 218 and 278 of the Indian

of Letters of Administration in respect of the estate of the deceased Selvi.S.Kanagalakshmi.

2. This petition has been filed for grant of Letters Administration in respect of the estate of the deceased one Selvi.S.Kanagalakshmi. The petitioner is the brother of the deceased Selvi.S.Kanagalakshmi. The deceased Selvi.S.Kanagalakshmi died on 30.03.2018 due to heart attack and she was unmarried till the date of her death. The parents of the deceased predeceased her. The petitioner is the Class-II legal heir of the deceased and there are no other persons interested to be impleaded in this petition. The deceased died intestate and though due and diligent search has been made for a Will, nothing has been found. The amount of assets which is likely to come to the petitioner's hands do not exceed in the aggregate sum of Rs.22,56,667/- and the net amount of the said assets after deducting all the items, which the petitioner is by law allowed to deduct is only of the value of Rs.22,56,667/-. The petitioner undertakes to duly administer the property and credits of the deceased Selvi.S.Kanagalakshmi and to make a full and true inventory thereof and exhibit the same to the Court within six months from the date of grant of Letters of Administration to the petitioner and also render a true account of the said property and credits within one year from the said date.

3. The petitioner has been examined as P.W.1 and Ex.P.1 to Ex.P.23 have been marked.

4. P.W.1 in his evidence had narrated the averments made in the petition stating that he was filing his proof affidavit stating the facts of this case and the same may be treated as part and parcel of his examination-in-chief. In continuation of his proof affidavit, Ex.P.1 to Ex.P.23 have been marked. Ex.P.1 is the photocopy of the sale deed dated 25.11.1986 executed in favour of the deceased. Ex.P.2 is the photocopy of the sale deed dated 30.12.1987 executed in favour of the deceased. Ex.P.4 is the photocopy of the sale deed dated 11.06.1990 executed in favour of the deceased. Ex.P.5 is the photocopy of the sale deed dated 12.05.2003 executed in favour of the deceased and two others. Ex.P.9 is the computer generated copy of the death certificate of Selvi.S.Kanagalakshmi who died on 30.03.2018. Ex.P.16 to Ex.P.20 are the original Valuation Reports of the schedule mentioned properties. Ex.P.21 is the affidavit of assets showing the net value of the estate as Rs.22,56,667/-. Ex.P.22 and Ex.P.23 are paper publications, but none have objected for the same.

5. In view of the above facts, I am of the view that the petitioner has proved his claim and hence, the petitioner is entitled for the issuance of Letters of Administration in their favour.

6. Accordingly, this petition is allowed. Issue Letters of Administration in favour of the petitioner. The petitioner is directed to duly administer the properties and credits of the deceased more fully described in the schedule. The petitioner is also 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 petitioner is further directed to render true and correct accounts once in a year.

Sd/.R.P.A.J.
04.02.2021

//Certified to be a true copy//
Dated this the day of 2021.

SU/10.02.2021 COURT OFFICER(O.S.)

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