



O.P. No.521 of 2021

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ABDUL QUDDHOSE, J.

This Petition has been filed for Letters of Administration without a Will.

2. The petitioner is the brother of the deceased P.V. S. Balaji, who died intestate on 27.05.2020. The parents of P.V.S. Balaji, pre-deceased him. His father P.V.Sripathi died on 25.10.1998 and his mother P.Vanitha died on 23.05.2020. The petitioner, who is the brother of the deceased P.V.S. Balaji and the only Class – II Legal Heir for the deceased P.V.S. Balaji has approached this Court for Letters of Administration. The deceased P.V.S.Balaji has left behind one immovable property and some insurance policies and also debts for which Letters of Administration has been sought for.

3. Before the learned Master, P.Venkatakrisnan was examined as PW1. In his deposition, he has reiterated the contents of the petition filed in support of O.P. No.521 of 2021. Through P.W.1, the following documents were marked as Exhibits in support of the petition filed in support of O.P. No.521 of 2021.



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<i>Exhibits</i>	<i>Nature of the document</i>
Ex.P1	Photocopy of the employment ID card of PVS Balaji
Ex.P2	Photocopy of the death certificate of P.V.Sripathi, who died on 25.10.1998
Ex.P3	Photocopy of the Legal Heirship certificate dated 07.12.1998 in respect of P.V.Sripathi
Ex.P4	Photocopy of the Agreement for Construction dated 02.02.2013.
Ex.P5	Certified copy of the sale deed dated 07.03.2013 executed in favour of P.V.S. Balaji
Ex.P6	Photocopy of the Loan agreement dated 25.04.2013.
Ex.P7	Photocopy of the loan agreement dated 23.05.2013.
Ex.P8	Photocopy of the loan agreement dated 24.09.2013.
Ex.P9	Photocopy of the loan agreement dated 09.03.2014.
Ex.P10	Computer generated Loan Account statement of Bajaj Finserv standing in the name of PVS Balaji.
Ex.P11	Computer generated HDFC Life Master policy bearing policy No.PP000086 standing in the name of PVS Balaji.
Ex.P12	Computer generated Loan Agreement Statement of IDFC First Bank standing in the name of PVS Balaji.
Ex.P13	Computer generated Loan Account Statement in TATA Capital Financial Services Limited of Balaji PVS.
Ex.P14	Computer generated Loan Account Statement in HDFC Bank of PVS Balaji.
Ex.P15	Computer generated Statement of personal loan account in HDFC bank of the deceased PVS Balaji
Ex.P16	Photocopy of the LIC Policy (Bhima Keeran) of the deceased Balaji PVS
Ex.P17	Computer generated TATA AIA Life insurance of the deceased Balaji PVS
Ex.P18	Photocopy of the Memorandum of Undertaking between the deceased PVS Balaji and Truepay Capital Management Service
Ex.P19	Computer generated death certificate of P.Vanitha, who died on 23.05.2020
Ex.P20	Computer generated death certificate of PVS Balaji, who died



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<i>Exhibits</i>	<i>Nature of the document</i>
	on 27.05.2020.
Ex.P21	Computer generated Legal Heirship certificate dated 30.09.2020 in respect of P.Vanitha
Ex.P22	Photocopy of the letter dated 25.02.2021 issued by Tahsildar
Ex.P23	Photocopy of the balance confirmation certificate dated 15.03.2021 issued by HDFC Bank
Ex.P24	Photocopy of petitioner's Aadhar card bearing No.2064 5047 1315
Ex.P25	Affidavit of assets showing the net value of the estate as Rs.69,25,666/-
Ex.P26	Copies of paper publication effected in one issue of Tamil daily "Makkal Kural" dated 21.10.2021 and one issue of English daily "Trinity Mirror" dated 30.10.2021.

4. As seen from the evidence available on record, it is clear that the petitioner is the only Class II Legal Heir for the deceased P.V.S. Balaji, his brother, who died on 27.05.2020, as seen from his Death Certificate which has been marked as Ex.P20. The parents of the deceased P.V.S. Balaji also pre-deceased him. His father P.V.Sripathi died on 25.10.1998 as seen from Ex.P2 and his mother P.Vanitha died on 23.05.2020 and her death certificate is marked as Ex.P19. The Legal Heirship certificate for P.V.Sripathi and P.Vanitha have also been marked as Exs.P3 and P21 respectively and they confirm that P.V.S. Balaji and P.Venkatakkrishnan are their only children.



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Since P.V.S.Balaji died on 27.05.2020, it is clear that the petitioner, who is his brother is his only Class – II Legal Heir as P.V.S. Balaji died unmarried, as seen from the Legal Heirship Certificate of the deceased Vanitha, his mother. The details of the property owned by P.V.S. Balaji (deceased) has also been marked as Exhibits before the learned Master.

5. An averment has also been made in the petition that no application has been made to the District Court or delegate or to any High Court for Probate of any Will of the deceased or Letters of Administration with or without the Will annexed to the properties and credits of the deceased. No application for Succession Certificate in respect of any debts or security belonging to the estate of the deceased has been made to any District Court or delegate or to any High Court.

6. After perusing and examining the pleadings and the evidence available on record, it is clear that the petitioner is entitled for letters of Administration in his favour.

7. For the foregoing reasons, the petitioner is granted Letters of Administration. Accordingly, O.P. No.521 of 2021 is allowed.



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8. Registry is directed to issue Letters of Administration in favour of the petitioner having effect limited to the Union of India, he being the beneficiary.

The petitioner is directed to duly administer the properties and credits of the deceased paying first his debts and then the legacies therein bequeathed, so far as the assets will extend and to make a full and true inventory thereof and exhibit the same in this Court within six months from the date of the grant of Letters of Administration. 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 directed to render this Court a true and correct accounts within one year from the date of grant of Letters of Administration.

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