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

THURSDAY, THE 19TH DAY OF AUGUST 2021

THE HON'BLE MR. JUSTICE V.PARTHIBAN

O.P.No. 389 of 2020

In the matter of Indian
Succession Act XXXIX of
1925

and

In the matter of the Estate of
the Mohana Rao – Intestate
Deceased

1. G.PADMAJA
D/o.Late Prabhavathi
residing at A003,
Manjeera Diamond towers,
Gopanpally, Hyderabad - 500107,
Telangana

2. G.SHIVESH
S/o Late Kalavathy
residing at K-27,
Rh-1 Sector-7,
Vashi, Navi Mumbai - 400704

3. C.SULOCHANA
W/o.Late Radhakrishnan

4. C.YUGANDHAR
S/o.Late Radhakrishnan

5. C.PADMINI
D/o.Late Radhakrishnan



Petitioners 3 to 5 are
residing at New No.44,
Old No.39A, G.K.Flats, G-3,
South Boag Road, T.Nagar,
Chennai – 600017

..Petitioners

-Vs-

G.VIDYA
D/o. Late Kalavathy,
residing at No.12,
Chilcote Avenue , Sale,
Greater Manchester,
M335A, USA

..Respondent

Original Petition praying that this Hon'ble Court be pleased to grant Letters of administration to the property and credits of the deceased having effect limited to the State of Tamil Nadu may be granted to the petitioners.

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 Succession Act, 39 of 1925 read with Order XXV Rule 5 of the Madras High Court Original Side Rules, seeking grant of Letters of Administration in favour of the petitioners in respect of the property and credits of the deceased Mohana Rao having effect limited to the State of Tamilnadu.



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2. Heard the learned counsel appearing for the petitioners and perused the materials available on record.

3. In the petition, it is stated as follows:

(a) The deceased C.Mohana Rao died on 22.11.2018 at Raj Paris Apts., New No.38/16, Old No.21/8, Neelakanda Metha Street, T.Nagar, Chennai -17, within the jurisdiction of this Court. The wife of the deceased namely C.Yagnalakshmi predeceased him. She died on 13.07.2016. The deceased C.Mohana Rao has no surviving Class-I legal heirs. The parents of the deceased also pre-deceased the deceased. The father of the deceased namely Seshachaliah, died in the year 1967 and the mother of the deceased Janakamma, died on 12.08.1998.

(b) The petitioners and the respondent are the surviving Class II legal heirs. The petitioners 1 and 2 and the respondent are the legal heirs of the predeceased sister of the deceased. The petitioners 3 to 5 are the legal heirs of the deceased brother of the deceased.

(c) The brothers of the deceased who predeceased the deceased are

(i) Chitti Peddi Harinath, predeceased the deceased and he died on



11.03.2018 (ii) Kumar, predeceased the deceased and he died in the year 1990 and (iii) Ramachandran, predeceased the deceased and he died in the year 1981.

(d) The petitioners are neither aware of the date of death nor in possession of the death certificate of the said Kumar and Ramachandran. The petitioners further state that the sister of the deceased namely Prabharathy also predeceased the deceased on 19.06.2015 and another sister of the deceased namely Kalavathy also predeceased the deceased on 04.05.1994. Another brother of the deceased namely Radhakrishnan died on 09.04.2019 and his legal heirs are arrayed as petitioners 3 to 5.

(e) The petitioners and the respondent as Class II legal heirs of the deceased claim to be entitled to a share of his estate. The respondent herein is also having interest of the estate of the deceased, since the respondent is now permanently residing out of India, the petitioners have arrayed her as the respondent.

(f) The petitioners state that the amount of the assets which are likely to come to the petitioners and the respondent hands do not exceed in the aggregate sum of Rs.44,16,000/- and the net amount of the said assets, after



deducting all items which the petitioners all by law deducting all items, is only of the value of Rs.43,96,000/-.

(g) The petitioners hereby undertakes to duly administer the property and credits of the said deceased C.Mohana Rao and to make a full and true inventory thereof and exhibit the same in this Court within six months from the grant of Letters of Administration to the petitioners and also to render to this Court a true account of the said property and credits within one year from the said date.

(h) The deceased C.Mohana Rao died intestate on 22.11.2018 and that due and diligent search has been made for a Will but none has been found and the petitioners claims administration of his property estate, effects and credits as theirs.

(i) The petitioners state that no application has been made to any District Court or Delegate or to any other High Court for Letters of Administration to his property and credits.

Hence, the petitioners have filed the present Original Petition (O.P)



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4. The fourth petitioner, who examined herself as P.W.1, reiterated the averments made in the petition and filed Exs.P-1 to P-14. Ex.P-1 is the photocopy of the Sale Deed dated 03.07.1981 registered as Doc.No.2143 of 1981 before the SRO, Thyagaraya Nagar. Ex.P2 is the photocopy of the death certificate of C.Janakamma. who died on 12.08.1998. Ex.P3 is the photocopy of the death certificate of C.Prabhavathi, who died on 19.06.2015. Ex.P4 is the computer generated copy of the death certificate of C.Yaganalakshmi, who died on 13.07.2016. Ex.P5 is the computer generated copy of the death certificate of Chitti Peddi Harinath, who died on 11.03.2018. Ex.P6 is the computer generated copy of the death certificate of C.Mohanarao, who died on 22.11.2018. Ex.P7 is the computer generated copy of the death certificate of C.Radhakrishna, who died on 09.04.2019. Ex.P8(series 3 Nos.) are the photocopies of the property tax demand card standing in the name of C.Mohana Rao. Ex.P9 (series 2 Nos) are the photocopies of C.M.W.S.S.B Receipts. Ex.P10 is the affidavit of assets showing the net value of the estate as Rs.43,96,000/-. Ex.P11 is the office copy of the legal notice dated 02.02.2019 issued by the petitioner to the Manager, Syndicate Bank. Ex.P12 is the office copy of the legal notice dated 02.02.2019 issued by the petitioner to the Post Master, Pondy Bazaar,



publications effect in one issue of Tamil daily "Dina Kural" dated 11.02.2021 and one issue of English daily "Southern Mail" dated 03.02.2021. Ex.P14 is the consent affidavit given by the respondent.

5. Considering the averments made in the petition and on perusing the materials available on record, this Court is satisfied that the petitioners are entitled to for issuance of Letters of Administration as prayed for.

6. Accordingly, this petition is ordered. Registry is directed to issue Letters of Administration in favour of the petitioners. The petitioners are directed to duly administer the properties and credits of the deceased. The petitioners are 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 petitioners are further directed to render true and correct accounts once in a year.

Sd/.V.P.N.J.
19.08.2021

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

SU/15.09.2021

COURT OFFICER(O.S.)

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