

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 17.08.2021

Coram:

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

Original Petition No.674 of 2020

1. Mr.Madurappan.K., S/o Late Kalyanaraman.R.
 2. Mr.Kannappan.K., S/o Late Kalyanaraman.R
- .. Petitioners

Original Petition filed under Sections 218 and 278 of the Indian Succession Act, read with Order XXV Rule 5 of the Original Side Rules of this Court, praying to grant Letters of Administration to the property and credits of the deceased Venkataganesan.K., to have effect throughout the State of Tamil Nadu.

For petitioner : M/s.B.Namasivayam

ORDER

This Petition has been filed to grant Letters of Administration to the property and credits of the deceased Venkataganesan.K., to have effect throughout the State of Tamil Nadu.

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

(a) The first petitioner is the younger brother of the deceased Venkataganesan.K. and the second petitioner is the elder brother of the

deceased. The deceased had left no other relations.

(b) The deceased died unmarried on 29.05.2020 at Iyyappa Hospitals and Diabetes Research Centre Pvt. Ltd., Old No.127/1, 2, New No.308, 310, M.P.M. Street, Vyasarpadi, Perambur, Chennai-600 039 and was ordinarily residing till his death at No.25, Cheyyur Parthasarathy Street, Perambur, Chennai-600 011. At the time of death, the deceased possessed of and left properties within the jurisdiction of this Court. The deceased died intestate and that due and diligent search had been made for a Will, but none had been found and the petitioners claim administration of his property estate, effects and credits as his second class legal heirs.

(c) The father of the petitioners and the deceased, i.e. Mr.R.Kalyanaraman pre-deceased the deceased on 06.08.2008 and their mother Tmt.Rajalakshmi also pre-deceased him on 22.10.2000 and their unmarried sister K.Kannammal pre-deceased him on 23.11.2018. The petitioners claim to be entitled to entire share of his estate. No other kin or kith is to be impleaded in this petition.

(d) The amount of the assets which are likely to come to the petitioners' hands does not exceed in the aggregate the sum of

Rs.49,00,000/- and the net amount of the said assets, after deducting all items which the petitioners are by law, allowed to deduct, is only of the value of Rs.49,00,000/-.

(e) The petitioners hereby undertake to duly administer the property and credits of the deceased and to make a full and true inventory thereof and exhibit the same in this Court within six months from the date of grant of Letters of Administration without Will to them and also to render to the Court a true account of the said property and credits within one year from this date.

(f) No application has been made to any District Court or delegate or to any High Court for probate of any Will of the said deceased or for Letters of Administration with or without the Will annexed to his property and credits.

Hence, the petitioners have filed the present petition for the relief stated supra.

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

4. The first petitioner, who examined himself as P.W.1, reiterated the averments made in the petition and marked Exs.P-1 to P-12. Ex.P-1 is the computer generated copy of the Death Certificate of the deceased issued by the Corporation of Chennai, dated 05.07.2020. Ex.P-2 is the photocopy of the Death Certificate of Tmt.Rajalakshmi issued by the Corporation of Chennai, dated 07.11.2000. Ex.P-3 is the computer generated copy of the Death Certificate of K.Kannammal issued by the Corporation of Chennai, dated 18.12.2018. Ex.P-4 is the computer generated copy of the Death Certificate of R.Kalyanaraman issued by the Corporation of Chennai, dated 27.08.2008. Ex.P-5 is the computer generated copy of the Legal Heirship Certificate of R.Kalyanaraman, dated 17.09.2020. Ex.P-6 is the photocopy of the Fixed Deposit Certificate of Canara Bank, Classic Farms, Sholinganallur, Chennai, in the name of the deceased DR.No.3411402000006/1, dated 19.11.2010. Ex.P-7 is the photocopy of the Fixed Deposit Certificate of Canara Bank, Teynampet, Chennai in the name of the deceased Ac.No.0416402000109/6, dated 07.07.2015. Ex.P-8 is the photocopy of the S.B. Account Pass Book Statement of Accounts in the name of the deceased. Ex.P-9 is the photocopy of the sale deed in

favour of the deceased bearing Document No.1530 of 2003 before the SRO, Purasawalkam, dated 16.04.2003. Ex.P-10 is the photocopy of Aadhar Card of the first petitioner. Ex.P-11 is the photocopy of the Aadhar Card of the second petitioner. Ex.P-12 is the photocopy of the statement of NSDL Canara bank Securities Ltd., from 01.06.2020 to 30.06.2020 in the name of the deceased.

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

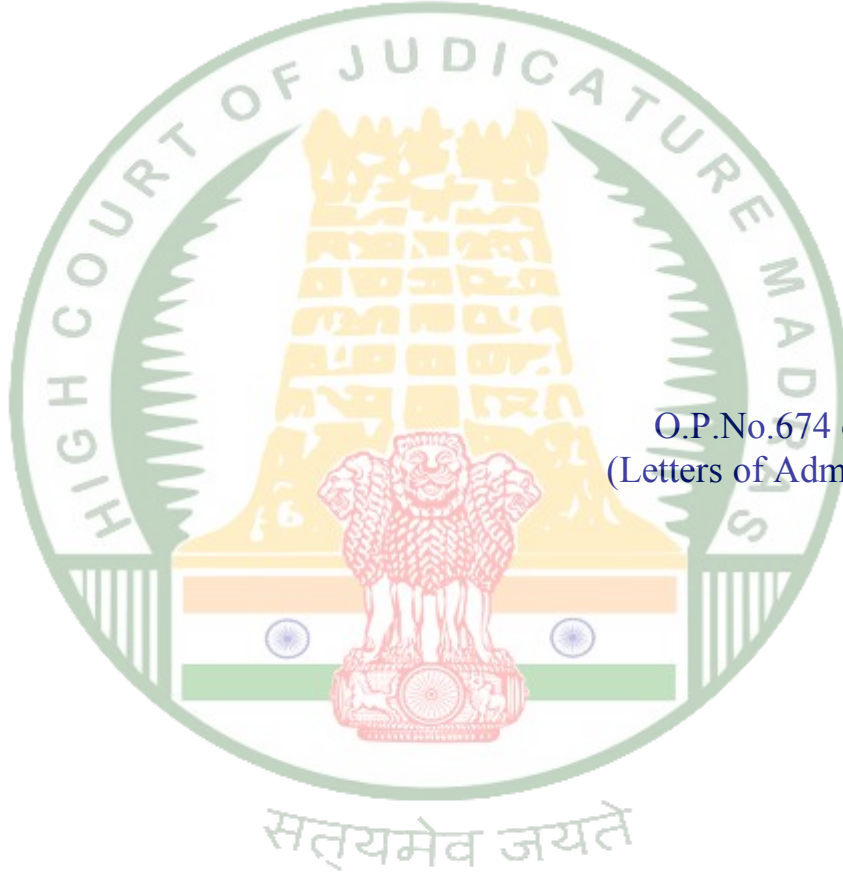
6. Accordingly, this petition is ordered as prayed for. Registry is directed to issue Letters of Administration in favour of the petitioners. The petitioners are directed to duly administer the properties and credits of the deceased. Each of the petitioners are directed to execute a security bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) each, 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.

Speaking Order: Yes
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17.08.2021

V. PARTHIBAN, J

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O.P.No.674 of 2020
(Letters of Administration)

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