



O.P.No.649 of 2021

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KRISHNAN RAMASAMY.J.

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This Petition has been filed under Sections 218 and 278 of the Indian Succession Act 1925 read with Order XXV Rule 5 of the High Court Original Side Rules, seeking for grant of Letters of Administration.

2.In the petition, it is stated that the deceased T.Duraiswamy, died on 14.12.1962 and he possessed the schedule mentioned properties within the jurisdiction of this Court. The deceased T.Duraiswamy's wife Mrs.Ruckmaniammal had passed away on 27.08.1967. The deceased T.Duraiswamy had one son namely D.Arupuram and two daughters namely D.S.Santha and Mrs.Rani. His son namely D.Arupudam died as bachelor and one of his daughter namely Mrs.Rani had also passed away. Mrs.Rani's husband S.R.Sudharsanan had also passed away on 30.01.2006. The first petitioner is the one of the daughter of the deceased T.Duraiswamy and the second petitioner is the daughter of the deceased Mrs.Rani i.e., the granddaughter of the deceased T.Duraiswamy. The letters of administration is filed only in respect of the schedule mentioned property of the deceased T.Duraiswamy. The amount of the assets which are likely to come into the petitioners' hands



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does not exceed the aggregate sum of Rs.10,00,000/-. The deceased died intestate and though due and diligent search has been made for a Will, none has been found. The petitioners undertake to duly administer the property and credits of the deceased T.Duraiswamy 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 petitioners and also render a true account of the said property and credits within one year from the said date. No application has been filed in any other Court for Letters of Administration.

3. When the matter was taken up for hearing on 07.07.2022, this Court directed the petitioners to produce the Legal Heirship certificate of the deceased T.Duraiswamy. The learned counsel for the petitioners has submitted that the deceased had passed away in the year 1962 and hence, they are facing much difficulty for getting Legal Heirship certificate of the deceased T.Duraiswamy. He further submitted that the first petitioner is also aged about 62 years. The learned counsel further stated that they have narrated in the petition that except the petitioners, there are no other surviving legal heirs to the deceased T.Duraiswamy and he has also produced the Release deed of the year 1927, in order to prove that the



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petitioners are the only legal heirs of the deceased T.Duraiswamy.

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4.In order to prove their case, the 1st petitioner, who examined herself as P.W.1, reiterated the averments made in the petition and filed the following documents viz., Exs.P1 to P10:

Ex.P1 is the certified copy of the Release Deed dated 05.05.1927.

Ex.P2 is the computed generated death certificate of Dorai Swamy.

Ex.P3 is the computer generated death certificate of Ruckmaniammal.

Ex.P4 is the photocopy of the death certificate of D.Rani.

Ex.P5 is the computer generated death certificate of S.R.Sudharsanam.

Ex.P6 is the photocopy of the Legal Heirship certificate dated 23.05.2006 in respect of D.Rani.

Ex.P.7 is the computer generated death certificate of D.Arputham.

Ex.P8 is the affidavit of assets showing the net value of the estate as Rs.10,00,000/-.

Ex.P9 is the copy of Paper Publication effected in one issue of Tamil daily “Makkal Kural” dated 26.02.2022.

Ex.P10 is the copy of Paper Publication effected in one issue of



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English daily “Trinity Mirror” dated 05.03.2022.

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5.Despite the paper publication also, none has appeared and raised their objections.

6.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 the issuance of Letters of Administration.

7.Accordingly, this petition is allowed. Issue Letters of Administration in favour of the petitioners. The petitioners are directed to duly administer the properties and credits of the deceased more fully described in the schedule. 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.

21.07.2022

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