



This original petition has been filed taking advantage of Sections 218, 278 and 246 of the Indian Succession Act, 1925 seeking Letters of Administration without Will with respect to a flat at Tambaram, which is in the name of the deceased, who was incidentally the wife of the 1st petitioner and mother of the 2nd petitioner and who died on 15.03.2021 in Dubai. It is stated that, at present, the petitioners are also residing in Dubai and the deceased / his wife, R.Vinodhini had invested her monies which she earned, in shares, securities and mutual funds and also immovable property, which is a flat at Salaiyur in Tambaram. There is an existing mortgage on the said flat, which was entered into at the time of purchase.

2.It is stated by the 1st petitioner that he is discharging the amounts due on the mortgage. Even though the petitioners herein are Class I legal heirs and quite strictly Letters of Administration is not required to administer the property as Class I legal heirs of the deceased R.Vinodhini, still since she had also left behind shares as stated in the petition, which would require Succession Certificate to be obtained under Section 378 of the Indian



Succession Act, 1925 and since she was possessed of both immovable and shares, the petitioner had taken the option of filing this petition seeking Letters of Administration without Will annexed to the property.

3.Let me make it very clear that the 1st petitioner would entitled to 1/2 share in the said property namely, Flat, and 1/2 share in the undivided land share of 637 sq.ft., out of 3224 sq.ft comprised in Survey Nos.375/1A & 1C, patta No.2903 as per patta in New Survey No.375/1C1B and which is situated at Selaiyur Village, Srinivasa Nagar, Tambaram Taluk, Kancheepuram District. The 2nd petitioner / minor child / S.Suviksha for whom the 1st petitioner is the legal guardian is entitled to the other undivided 1/2 share in the said flat and share of land.

4.Similarly, with respect to the shares which had been mentioned and the details of which had been mentioned in the schedule to the petition, both the petitioners shall have an equal undivided share in the market value of the said shares and securities. When this order is presented seeking to transfer the names in the share certificate, the authority concerned may include the names of both the petitioners as transferees of the shares. If any of the shares are in the joint names of the 1st petitioner, S.Seetharaman and of the deceased



R.Vinodhini, then when application is made to delete the name of

R.Vinodhini, consequent to her death, the necessary authorities may include the name of the 2nd petitioner, S.Suviksha / minor represented by her father.

This would safeguard the interest of the minor.

5.After following due procedures, the 1st petitioner was invited to adduce evidence. He examined himself as PW-1. The Marriage Certificate was marked as Ex.P1. The Death Certificate of his wife was marked as Ex.P4. The Legal Heirship Certificate of his wife, R.Vinodhini was marked as Ex.P5. The details relating to the shares were marked as Ex.P6. The affidavit of assets was marked as Ex.P8.

6.While granting Letters of Administration, a condition is also imposed that the 1st petitioner while rendering accounts once in every year should specifically state about the arrangements and the investments made in the name of the 2nd petitioner also. The Registry should insist on that aspect while examining the accounts, which the 1st petitioner is obligated to file consequent to the grant of Letters of Administration.



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7.If ever any of the accounts in the name of R.Vinodhini is closed and the amount transferred to the 1st petitioner, it should be so done after calling upon the 1st petitioner to also include the 2nd petitioner either as Joint Account Holder or under the category of either or survivor.

8.In view of the evidence adduced, I hold there is every reason to grant the relief sought in the Original Petition namely, granting Letters of Administration.

9.With the above observations, this Original Petition stands allowed. The 1st petitioner is directed to duly administer the properties and credits of the deceased more fully described in the schedule. The 1st petitioner is directed to execute a 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 1st petitioner is further directed to render true and correct accounts once in a year.

04.11.2022

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O.P.No.318 of 2022