

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

THURSDAY, THE 23RD DAY OF JUNE 2022

THE HON'BLE MR. JUSTICE KRISHNAN RAMASAMY

O.P.No.504 of 2021

In the matter of the Indian Succession
Act XXXIX of 1925

and

In the matter of certain Estate of
Mr.T.E.Rajkumar, Died Intestate

MRS.NIRMALA KUMAR
W/o.Cdr. S.S.Kumar,
Flat 2, Golden Chimes,
5, First Street,
Chandra Baugh Avenue,
Mylapore, Chennai – 600004.

..Petitioner

-Vs-

1. MRS.PRAMILLA SWAMIDASS
W/o. Late Mr.Jonas Swamidass,
EPH6, Mantri Splendor,
Hennur Main Road,
Geddalahalli,
Bengaluru - 560077.

2.MRS.VATHSALA THANGIAH
W/o.Mr.George Prabhakar,
Flat 4A, Thangiah's Ark,
15/8, Mandhavalli Street,
Chennai - 600028.

3.MRS. RAMANI PONNURAJ

W/o. Late Mr.C.Ponnuraj,
Flat G1, 7-1-48A, Rajasham Karan Road,
Ameerpet, Hyderabad - 500016.

4.MRS. SUJATA PAVAMANI

W/o.Maj.Gen.Surendar Pavamani,
Flat 1A, Thangiah's Ark,
15/8, Mandhavalli Street,
Chennai - 600028.

5.MRS.SUNITA DANIEL

W/o.Mr.Thamburaj Daniel,
1504, Pine Creek CT,
Thousand Oaks, CA 91320, USA

6.MRS. SHALINI SUSAN NIRANJAN

W/o.Mr.Reno Verghese,
5625, County Lake CT,
Sylvania, Ohio 43560-9557 USA

7.MR.JOHN PRASHANTH NIRANJAN

S/o.Mr.R.M.Niranjan,
2036, Peach Orchard Dr.,
Apt 23, Falls Church Va 23043 USA

8.MRS.MALINI ROWLAND

W/o.Mr.Jesudoss Rowland,
1721 Allerford Drive, Hanover,
Maryland 21076 USA

..Respondents

This original petition praying that this Hon'ble court be pleased to grant the Letters of Administration annexed to the property and credits of the deceased Mr.T.E.Rajkumar, to have effect limited to the State of Tamil Nadu may be granted to her.

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 & 278 of the Indian Succession Act XXXIX of 1925 and Order XXV Rule 5 of the High Court Original Side Rules, seeking the grant of Letters of Administration.

2.In the petition, it is stated that the Testator, Mr.T.E.Rajkumar, died on 26.11.2019 and he possessed the property within the jurisdiction of this Court. The deceased Mr.T.E.Rajkumar's wife predeceased him and the parents of the deceased also predeceased him. The petitioner is the sister of the deceased and respondents 1 to 3 and 8 are also sisters, respondents 4 to 6 are nieces and respondents 7 is nephew of the deceased Mr.T.E.Rajkumar. During the life time of the testator, he registered the Will as Document No.266 of 2016, dated 01.02.2016 on the file of Sub-Registration District of Mylapore. The petitioner and the respondents are the only surviving legal heirs to the estate of the deceased Mr.T.E.Rajkumar. The amount of the assets which are likely to come into the petitioner's hand does not exceed the aggregate sum of Rs.46,97,720/-. The deceased died intestate and though due and diligent search has been made for a Will, none has been found. The petitioner undertake to duly administer the property and credits

of the deceased Mr.T.E.Rajkumar 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 petitioner 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.The petitioner, who examined herself as P.W.1, reiterated the averments made in the petition and filed the following documents viz., Exs.P1 to P5:

Ex.P1 is the computer generated death certificate of T.E.Rajkumar

Ex.P2 is the photocopy of the Deed of Partition dated 01.02.2016.

Ex.P3 is the photocopy of her Aadhaar card.

Ex.P4 is the affidavit of assets showing the net value of the estate as Rs.46,72,720/-.

Ex.P5 are the copies of paper publications effected in one issue of Tamil daily “Makkal Kural” dated 29.01.2022 and one issue of English daily “Trinity Mirror” dated 07.02.2022. Despite the paper publication also, none has appeared and raised objections.

4.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 the issuance of Letters of Administration.

5.Accordingly, this petition is allowed. Issue Letters of Administration in favour of the petitioner. The petitioner is directed to duly administer the properties and credits of the deceased more fully described in the schedule. 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 further directed to render true and correct accounts once in a year.

Sd/.K.R.J.
23.06.2022

//Certified to be a true copy//

Dated at Madras this the day of 2022.

su.01.07.2022

COURT OFFICER(O.S.)

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