



O.P.No.319 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2022

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

O.P.No.319 of 2022

1.C.Alaiammal
2.C.Kuppan
Petitioners

...

PRAYER: Original Petition filed under Sections 218 and 278 of Indian Succession Act for Letters of Administration without Will in respect of Estate belonging to the deceased C.Rajasekar read with Order XXV Rule 5 of Original Side Rules, that the Letters of Administration to the property and credits of the deceased to have effect limited to the State of Tamil Nadu may be granted to the first petitioner.

For Petitioners : Mr.Narayanan for M/s.K.Vijayaraj



WEB COPY



O.P.No.319 of 2022

ORDER

The petitioners seek the issuance of letters of administration in respect of the estate of the late C.Rajasekar.

2. The petitioners state that the late C.Rajasekar died on 24.03.2007 as a bachelor. His mother, Lakshmiammal, who was the only class 1 legal heir, died on 28.05.2009. According to the petitioners, the eligible class 2 legal heirs are Mr.Chinna Thambi, the father of the deceased, and the two petitioners. After asserting that the deceased died intestate and a Will could not be found in spite of diligent search for the same, the petition is filed.

3. In support of this petition, evidence was adduced by examining the first petitioner as P.W.1. The 14 documents, which are set out at the foot of the petition, were exhibited as Exs.P1 to P14.

4. The death certificate of the late C.Rajasekar is exhibited as Ex.P6.



O.P.No.319 of 2022

This document evidences that he died on 24.03.2007. The death certificate of the late C.Rajasekar's mother is exhibited as Ex.P5. This document evidences that she died on 28.05.2009. The death certificate of the late C.Rajasekar's father, Chinna Thambi, discloses that he died on 20.12.1996. Photocopies of the legal heirship certificate of Mr.Chinna Thambi and Mrs.C.Lakshmiammal are on record as Exs.P7 and P8. The legal heirship certificate of Mrs.C.Lakshmiammal discloses the names of the two petitioners as her only surviving class 1 legal heirs. The legal heirship certificate of Mr.Chinna Thambi discloses the names of the deceased C.Rajasekar, Tmt.Lakshmiammal and the two petitioners as the legal heirs. Paper publications were effected under Exs.P13 and P14. The consent affidavit of the second petitioner is on record as Ex.P11. Certified copies of sale deeds relating to the assets, in respect of which letters of administration are prayed for, are on record as Exs.P1 to P3.

5. Based on the assertions in the petition and the evidence adduced in support thereof, the petitioners have established their entitlement for the grant of letters of administration.



O.P.No.319 of 2022

WEB COPY

6. Therefore, it is directed that letters of administration be granted to the first petitioner in relation to the assets described in the schedule to the petition. The petitioner shall execute a security bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) in the name of the Assistant Registrar, O.S.II of this Court. The petitioner shall file an inventory and statement of accounts within a period of *six months and one year*, respectively.

07.12.2022

rna

Index : Yes / No

Internet : Yes / No

Petitioner's witness:

P.W.1 - Mrs.C.Alaiammal

Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Certified copy of the Sale deed dated 17.04.1997 executed in favour of Mr.C.Rajasekar. (Compared with the original)
Ex.P2	Certified copy of the sale deed dated 16.09.1999 executed in favour of Mr.C.Rajasekar. (Compared with the original)
Ex.P3	Certified copy of the sale deed dated 07.08.2003 executed in



O.P.No.319 of 2022

<i>Exhibits</i>	<i>Documents</i>
	favour of Mr.C.Rajasekar. (Compared with the original)
Ex.P4	Computer generated death certificate of Chinna Thambi.
Ex.P5	Computer generated death certificate of C.Lakshmiammal.
Ex.P6	Computer generated death certificate of C.Rajasekar.
Ex.P7	Photocopy of the Legal Heirship certificate of Mr.Chinnathambi (Witness states that the original legal heirship certificate has been misplaced by her. Counsel for the petitioners insisted for marking of the photocopy of this document. This document is marked subject to its admissibility, proof and relevancy).
Ex.P8	Photocopy of the Legal Heirship certificate of Mrs.C.Lakshmiammal. (Compared with the original)
Ex.P9	Photocopy of my Aadhaar card. (Compared with the original)
Ex.P10	Photocopy of the Aadhaar card of the second petitioner. (Compared with the original)
Ex.P11	Consent affidavit given by the second petitioner.
Ex.P12	Affidavit of assets showing the net value of the estate as Rs.15,17,650/-.
Ex.P13	Copy of paper publication effected in one issue of Tamil daily "Makkal Kural" dated 21.09.2022.
Ex.P14	Copy of paper publication effected in one issue of English daily "Trinity Mirror" dated 28.09.2022.



WEB COPY



O.P.No.319 of 2022

SENTHILKUMAR RAMAMOORTHY,J

rna

O.P.No.319 of 2022

07.12.2022