



O.P.No.320 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2022

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THE HONOURABLE **MR.JUSTICE SETHILKUMAR RAMAMOORTHY**

O.P.No.320 of 2022

1.C.Alaiammal
2.C.Kuppan
Petitioners

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PRAYER: Original Petition filed under Sections 218 and 278 of the Indian Succession Act for Letters of Administration without Will in respect of Estate Belonging to the Deceased Chinnathambi Read With Order XXV Rule 5 of the High Court Original Side Rules, prays 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.R.Narayanan for Mr.K.Vijay Raj



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ORDER

The petitioners seek the issuance of letters of administration to the first petitioner in respect of the estate of their late father, Mr.Chinnathambi.

2. The petitioners state that their late father, Mr.Chinnathambi, ordinarily resided at the address specified in paragraph 4 of the petition, which is within the jurisdiction of this Court. It is asserted that the deceased died intestate and that no Will was found in spite of a diligent search for the same.

3. In support of this petition, the petitioners adduced evidence by examining the first petitioner as P.W.1. In course of the examination in chief of P.W.1, the 12 documents listed at the foot of this order, were exhibited as Exs.P1 to P12. The death certificate of the petitioner's father (Ex.P2) discloses that he died on 20.10.1996. The permanent address of the deceased is specified therein and the said address is within the jurisdiction of



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this Court. The legal heirship certificate in relation to the late Chinnathambi is on record as Ex.P5. The said document discloses that his legal heirs are Tmt.Lakshmiammal, Thiru.C.Kuppan, Thiru.C.Rajasekar and Selvi.Alaiammal. The death certificate of the petitioner's mother, C.Lakshmiammal, is on record as Ex.P3. The said document discloses that she died on 28.05.2009. The death certificate of the petitioner's sibling, C.Rajasekar, is on record as Ex.P4. The said document discloses that he died on 24.03.2007. Ex.P5 discloses that he was unmarried at the time of his father's death and the death certificate does not contain any particulars of his wife. The second petitioner has submitted a consent affidavit for the grant of letters of administration to the first petitioner.

4. Based on the assertions in the petition and the evidence recorded by the petitioners, the petitioners are entitled to succeed.

5. Accordingly, O.P.No.320 of 2022 is allowed by granting letters of administration to the first petitioner in respect of the estate described in the schedule to the petition. The petitioners shall execute a security bond for a



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sum of Rs.25,000/- (Rupees Twenty Five Thousand only) in the name of the Assistant Registrar, Original Side of this Court. The petitioner shall provide an inventory of assets and statement of accounts within a period of *six months* and *one year*, respectively.

12.12.2022

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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 20.04.1964 executed in favour of Chinnathambi. (Compared with the original)
Ex.P2	Computer generated death certificate of Chinna Thambi.
Ex.P3	Computer generated death certificate of C.Lakshmiammal.
Ex.P4	Computer generated death certificate of C.Rajasekar.
Ex.P5	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.P6	Photocopy of the Legal Heirship certificate of



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<i>Exhibits</i>	<i>Documents</i>
	Mrs.C.Lakshmiammal. (Compared with the original)
Ex.P7	Photocopy of my Aadhaar Card. (Compared with the original)
Ex.P8	Photocopy of the Aadhaar card of the second petitioner. (Compared with the original)
Ex.P9	Consent affidavit given by the second petitioner.
Ex.P10	Affidavit of assets showing the net value of the estate as Rs.68,25,122/-.
Ex.P11	Copy of paper publication effected in one issue of Tamil daily "Makkal Kural" dated 30.09.2022.
Ex.P12	Copy of paper publication effected in one issue of English daily "Trinity Mirror" dated 07.10.2022.



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