



O.P.No.489 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2022

CORAM

THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

O.P.No.489 of 2021

R.S.Lakshmi

... Petitioner

-VS-

1.S.K.Srinivasan

2.S.K.Vadivambigai Murugan

3.Mrs.Yadukala Vinodh Kannan

... Respondents

PRAYER: Original Petition filed under Section 218 and 278 of the Indian Succession Act, 1925 Read With Order XXV Rule 5 of the High Court Original Side Rules, prays that the letters of administration annexed to the property and credits of the deceased Miss.R.S.Kalavathi to have effect throughout the whole of the State of Tamil Nadu may be granted to the petitioner herein.



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For Petitioner : Mr.Durai Kannan

For R1 to R2 : Ms.G.Anandhi for M/s.B.M.Goshinraj

ORDER

The petitioner seeks the issuance of letters of administration to administer the estate of the late Miss R.S.Kalavathy.

2. The petitioner states that she is the sister of the deceased R.S.Kalavathy, who died intestate and unmarried on 29.07.2005. The father and mother of the petitioner and the deceased pre-deceased her. The father died on 10.03.1979 and the mother on 18.01.1998. The petitioner asserts that the deceased ordinarily resided at the address specified in paragraph 3 of the petition, which is within the jurisdiction of this Court. The brother of the deceased, R.S.Kirthi, died on 24.03.1979 and his children are the respondents herein.



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3. In support of this petition, the petitioner adduced evidence by examining herself as P.W.1. In course of the examination in chief of P.W.1, the 12 documents which are listed at the foot of this order, were exhibited as Exs.P1 to P12. The death certificate of R.S.Kalavathy is on record as Ex.P6. This document evidences that she died on 29.07.2005. It also evidences that her permanent address was at Purasaiwalkam, Chennai, which is within the jurisdiction of this Court. The death certificate of the brother of the petitioner and the deceased, R.S.Kirthi, is on record as Ex.P2. This document evidences that he died on 24.03.1979. The death certificate of the petitioner's mother is on record as Ex.P3. This document evidences that the petitioner's mother died on 18.01.1998. The legal heirship certificate of the petitioner's mother discloses that her surviving legal heirs were the petitioner and R.S.Kalavathy. The death certificate of Ramaneeswari, wife of R.S.Kirthi, is on record as Ex.P9. This document disclosed that she died on 22.05.2003. The sale deed in favour of the deceased is on record as Ex.P4.



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4. The respondents are represented by counsel. Since the respondents have no objection to this petition being allowed, they have not filed a counter. On instructions, learned counsel for the respondents states that the respondents have no objection to the grant of letters of administration to the petitioner.

5. Based on the assertions in the petition and the evidence adduced to establish the same, the petitioner is entitled to succeed.

6. Consequently, O.P.No.489 of 2021 is allowed by granting letters of administration to the petitioner in respect of the estate of the late R.S.Kalavathy. 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.I 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.

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Index : Yes / No

Internet : Yes / No

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Petitioner's witness:

P.W.1 - Dr.R.S.Lakshmi

Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Photocopy of the first page of my SSLC Certificate dated 01.05.1971. (Compared with the original)
Ex.P2	Computer generated death certificate of R.S.Kirthi.
Ex.P3	Computer generated death certificate of S.Ramabai.
Ex.P4	Photocopy of the sale deed dated 15.06.1992 executed in favour of R.S.Kalavathy. (Compared with the original)
Ex.P5	Photocopy of the legal heirship certificate of S.Ramabai. (Original is not produced. Counsel for the petitioner insisted for marking of the photocopy of this document. This document is marked subject to its admissibility, proof and relevancy)
Ex.P6	Computer generated death certificate of R.S.Kalavathy.
Ex.P7	Original communication dated 31.08.2018 issued by the Tahsildar, Puraissaiwalka, Chennai.
Ex.P8	Computer generated encumbrance certificate dated 05.12.2019.
Ex.P9	Computer generated death certificate of Ramaneeshawari.
Ex.P10	Affidavit of assets showing the net value of the estate as Rs.14,90,000/-.
Ex.P11	Copy of paper publication effected in one issue of Tamil daily "Makkal Kural" dated 21.10.2022.
Ex.P12	Copy of paper publication effected in one issue of English daily "Trinity Mirror" dated 28.10.2022.



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