



WEB COPY



O.P.No.503 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 10.03.2022

PRONOUNCED ON : 16.03.2022

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

O.P.No.503 of 2021

ORDER

This Original Petition has been filed seeking for Letters of Administration.

2. The property stands in the name of one Rajalakshmi. Her husband is V.D.Kothandaraman and they got a son namely V.K.Srinivasa Raghavan. The death certificate of Rajalakshmi/Ex.P.5 shows that she died on 28.01.2021 and Ex.P3 shows that her husband V.D. Kothandaraman was pre-deceased her and died on 20.04.2020. The V.K.Srinivasa Raghavan. who is said to be the father of the present petitioner died on 03.11.2014. Except the petitioner, there is no other legal heirs either to the deceased Rajalakshmi



O.P.No.503 of 2021

or to her son V.K.Srinivasa Raghavan and the petitioner is the only surviving Class-II legal heir of the said Rajalakshmi. Therefore, the petitioner has filed the present petition for letters of administration in order to substantiate his claim.

3. Before the learned Master, the petitioner was examined as a witness (PW1). In his deposition, he reiterated the contents of the petition filed in support of this petition. The following documents were marked as Exhibits :

<i>Exhibits</i>	<i>Nature of the documents</i>
P1	The computer generated death certificate of V.K.Srinivasa Raghavan
P2	The photocopy of the Aadhaar card of V.D.Kothandaraman
P3	The computer generated death certificate of V.D.Kothandaraman
P4	The photocopy of the Aadhaar card of V.K.Srinivasa Ragavan
P5	The computer generated death certificate of Rajalakshmi
P6	The photocopy of the Aadhaar card of Rajalakshmi
P7	The photocopy of the fixed deposit receipt of Sakthi Finance Limited dated 12.07.2018 standing in the name of K.Rajalakshmi
P8	The photocopy of the fixed deposit of Indian Bank dated 26.03.2019 standing in the name of Rajalakshmi
P9	The certified copy of the Sale Deed dated 19.07.2019 in favour of Mrs.Rajalakshmi Kothandaram
P10	The photocopy of P.W.1's Aadhaar card
P11	The photocopy of P.W.1's Pan Card
P12	The computer generated Encumbrance certificate dated



O.P.No.503 of 2021

<i>Exhibits</i>	<i>Nature of the documents</i>
	23.04.2021 standing in the name of Rajalakshmi
P13	The affidavit of assets showing the net value of the estate as Rs.26,61,597/-
P14	Copy of paper publication effected in one issue of Tamil daily "Makkal Kural" dated 26.11.2021
P15	Copy of paper publication effected in one issue of English daily "Trinity Mirror" dated 04.12.2021

4. The petitioner in his proof affidavit has stated that his father died on 03.11.2014, his grandfather V.D.Kothandaraman died on 20.04.2020 and his grandmother Rajalakshmi died on 28.01.2021 and that the parents of his grandmother Rajalakshmi were pre-deceased to her. He has further stated that the petitioner is the only surviving legal heir to the above said persons and except him, there is no other legal heirs to the above said persons and he is the only surviving class-II legal heir of the deceased Rajalakshmi. Therefore, he is entitled to the entire assets and estates of the said Rajalakshmi.

5. Though the petitioner has stated that he is the only son of K.V.Srinivasa Raghavan, except the Aadhar Card and Pan Card/Exs.P.10 and P.11, the petitioner has not filed the legal heir certificate of the



O.P.No.503 of 2021

V.K.Srinivasa Raghavan to show whether the wife of V.K.Srinivasa Raghavan i.e. the mother of the petitioner is alive and any other sons and daughters are available to the V.K.Srinivasa Raghavan and thereby, the petitioner has not proved that he is the only legal heir of V.K.Srinivasa Raghavan. Unless the legal heir certificate of V.K.Srinivasa Raghavan is produced before this Court, it cannot be stated that the petitioner alone is the legal heir of the said V.K.Srinivasa Raghavan.

6. Further, the petitioner has stated that he is the class-II legal heir of the deceased Rajalakshmi. However, the petitioner has not produced the legal heir certificate of the Rajalakshmi and V.D.Kothandaraman who are said to be his grandparents and thereby he has failed to establish as to whether the Rajalakshmi and V.D.Kothandaraman have any other sons and daughters other than V.K.Srinivasa Raghavan and thereby, he has not proved that the V.K.Srinivasa Raghavan, the father of the petitioner is the only legal heir of the said Rajalakshmi and V.D.Kothandaraman.



O.P.No.503 of 2021

WEB COPY

7. Therefore, this Court finds that the petitioner has not established that he is the only legal heir of the V.K.Srinivasa Raghavan and his father namely, the V.K.Srinivasa Raghavan is the only legal heir of the Rajalakshmi and V.D.Kothandaraman. In the absence of the legal heir certificates of the Rajalakshmi and V.D.Kothandaraman and V.K.Srinivasa Raghavan, this Court cannot grant letters of administration to the petitioner and the petitioner is not entitled to get the relief as sought for.

8. Therefore, this Original Petition is dismissed.

16.03.2022

ksa-2



WEB COPY



O.P.No.503 of 2021

P.VELMURUGAN,J.

Ksa-2

Pre-Delivery Order in

O.P.No.503 of 2021

16.03.2022