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

MONDAY, THE 14TH DAY OF MARCH 2022

THE HON'BLE MR. JUSTICE P.VELMURUGAN

O.P.No.528 of 2021

In the matter of Indian
Succession Act, XXXIX of
1925
and
In the matter of Estate of
P.Dorai – Deceased Intestate

1. Mr.P.AMIRTHALINGAM
S/o.Late C.Ponnusamy,
No.22/1, Chinnaya New Colony,
1st Main Road, Perambur,
Chennai - 600 011.

2. Mr. P.KRISHNAMURTHY
S/o.Late C.Ponnusamy,
No.1/295, Kaliyamman Kovil,
7th Cross Street,
Karapakkam,
Oggiyam Thoraipakkam,
Chennai - 600 097.

3. P.RAMANI
D/o.Late C.Ponnusamy,
No.22/1, Chinnaya New Colony,
1st Main Road, Perambur,
Chennai - 600 011.

..Petitioners



Original Petition praying that this Hon'ble Court be pleased that Letters of Administration to the property and credits of the deceased to have effect throughout the state of Tamil Nadu may be granted to him.

This Original Petition coming on this day before this court for hearing the court made the following order:

This Original petition has been filed for grant of Letters of Administration under Sections 218 and 278 of the Indian Succession Act, 1925 read with Order XXV Rule 5 of Original Side Rules, 1956.

2.In the petition, it is stated that the deceased P.Dorai was ordinarily resided at No.22/1, Chinnaya New Colony, 1st Main Road, Perambur, Chennai-600 011 and died on 12.05.2017 as a bachelor and left his properties out side the jurisdiction of this Court, but, the ordinary residing place and death place of the deceased is within the jurisdiction of this Court. The deceased died intestate and that due and diligent search has been made for a Will, none has been found. The deceased at the time of his death left behind the brothers and sister/the petitioners herein as his only surviving legal heirs or Class II legal heirs. Though, the deceased was a bachelor and his parents were predeceased him, the petitioners are the only legal heirs, who claim to be entitled equal share in the estate of the deceased.



3.It is further stated that the amount of assets which are likely to come to the petitioners' hands does not exceed in the aggregate sum of Rs.5,00,000/- and the net amount of the said assets, after deducting all items, which the petitioners are by law allowed to deduct, is of the value of Rs.5,00,000/-. The petitioners have impleaded all the next of kin or other persons interested as respondents. There is no next of kin or other person interested to be impleaded.

4.The petitioners undertakes to duly administer the properties and credits of the deceased and to make a full and true inventory thereof and exhibits the same in the Court within six months from the date of grant of Letters of Administration and also to render to this Court a true account of the said property and credits within one year from the said date.

5. Before the learned Master, the 3rd petitioner examined herself as P.W.1 and filed proof affidavit and also marked the following documents viz.,Exs.P1 to P11:

<i>Exhibits</i>	<i>Nature of the documents</i>
P1	Computer generated death certificate of Mr.P.Dorai.
P2	Computer generated death certificate of Mr.C.Ponnusamy.
P3	Computer generated death certificate of Mrs.P.Rajammal.
P4	Photocopy of the Legal Heirship certificate of Mr.C.Ponnusamy.
P5	Photocopy of the Sale Deed dated 02.03.1989



<i>Exhibits</i>	<i>Nature of the documents</i>
	executed in favour of Mr.P.Dorai
P6	Photocopy of the Aadhaar card of P.Amirthalingam.
P7	Photocopy of the Aadhaar card of Mr.Krishnamurthy Ponnusamy.
P8	Photocopy of the Aadhaar card of 3 rd petitioner.
P9	Photocopy of the affidavit of assets showing the net value of the estate as Rs.5,00,000/-.
P10	Copy of paper publication effected in one issue of Tamil daily "Makkal Kural" dated 26.11.2021.
P11	Copy of paper publication effected in one issue of English daily "Trinity Mirror" dated 03.12.2021

6.From the evidence available on record, it is clear that deceased P.Dorai died intestate as a bachelor on 12.05.2017 at No.22/1, Chinnaya New Colony, 1st Main Road, Perambur, Chennai-600 011, and leaving behind the petitioners as their surviving legal heirs. To prove the same Ex.P1/Death Certificate of deceased P.Dorai and Ex.P4/Legal Heirship certificate in respect of C.Ponnusamy/father of deceased.

7.An averment has also been made in the petition that no application has been made to the District Court or delegate or to any High Court for Probate of any Will of the deceased or for Letters of Administration with or without the Will annexed to his properties and credits.

8.After giving due consideration to the averments contained in the

petition as well as the Exhibits marked on the side of the petitioners, I am



satisfied that the petitioners are entitled to the issuance of Letters of Administration.

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

Sd/.P.V.J.
14.03.2022

//Certified to be a true copy//

Dated at Madras this the day of 2022.

Su/28.3.2022

COURT OFFICER(O.S.)

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