



O.P.No.125 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **08.12.2022**

CORAM

THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

O.P.No.125 of 2022

Mr.Parthasarathy

... Petitioner

PRAYER: Original Petition filed for issuance of Letters of Administration under Sections 218 and 278 of Indian Succession Act, XXXIX of 1925, read with Order XXV Rule 5 of Original Side Rules, prays that Letters of Administration to the properties and credits of the deceased Mrs.Prabhavathi to have effect throughout the State of Tamilnadu may be granted to him.

For Petitioner : Mr.B.Divakaran

ORDER

The petitioner seeks the issuance of letters of administration in relation to the assets of the deceased Mrs.Prabhavathi.

2. The petitioner states that the deceased was his wife. She passed



O.P.No.125 of 2022

away on 29.04.2017 at the General Hospital, Kalutara, Sri Lanka, but was ordinarily residing at the address specified in paragraph 6 of the petition, which is within the jurisdiction of this Court.

3. In respect of the movable and immovable assets of Mrs.V.Seethalakshmi, the petitioner's wife, Mrs.Prabhavathi, applied for and obtained a succession certificate and letters of administration under orders passed in O.P.Nos.53 of 2013 and 777 of 2016, respectively. Pursuant thereto, the petitioner's wife became the administrator of the immovable asset described in the schedule to this petition. In these circumstances, the present petition is filed.

4. In order to prove the petitioner's entitlement, evidence was recorded by examining the petitioner as PW1. In course of examination-in-chief of PW1, the 18 documents, which are listed at the foot of this order, were exhibited as Exs.P1 to P18.

5. The documents exhibited include the death certificate of



O.P.No.125 of 2022

Mrs.Prabhavathi Parthasarathy (Ex.P13) and the legal heir certificate of

Mrs.Prabhavathi Parthasarathy (Ex.P14). Ex.P14 discloses that

Mrs.Prabhavathi Parthasarathy resided at No.27, Flat No.B/5, IInd Floor, Abdul Azis Street, T.Nagar, Chennai-600 017, which is within the jurisdiction of this Court. The photocopy of orders dated 20.06.2017 and 25.10.2013 in O.P.Nos.777 of 2016 and 53 of 2013, respectively, were exhibited as Exs.P10 and P11. The petitioner had applied for and obtained a succession certificate earlier in respect of movable assets of Mrs.Prabhavathi Parthasarathy under order dated 16.02.2018 in O.P.No.764 of 2017 (Ex.P15). Paper publications were effected in one issue of the Tamil daily 'Makkal Kural' on 11.10.2022 and one issue of the English daily 'Trinity Mirror' dated 18.10.2022 (Exs.P17 & P18).

6. On the basis of assertions made in the petition and evidence recorded to prove such assertions, the petitioner is entitled to succeed.



O.P.No.125 of 2022

7. Consequently, O.P.No.125 of 2022 is allowed by granting letters of administration to the petitioner in respect of the assets of the deceased Mrs.Prabhavathi Parthasarathy, which are 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 A.R. (OS-II) of this Court. The petitioner shall file an inventory of assets and statement of accounts within a period of six months and one year, respectively.

08.12.2022

kal

Index : Yes / No

Petitioner's witness:

P.W.1 – Mr.Parthasarathy

Documents exhibited by the petitioners:

<i>Exhibit No.</i>	<i>Description</i>
Ex.P1	The photocopy of the Sale Deed dated 26.11.1959 executed in



O.P.No.125 of 2022

<i>Exhibit No.</i>	<i>Description</i>
	favour of Mr.C.K.Varadarajan (Compared with the original)
Ex.P2	The computer generated death certificate of C.K.V.Rajan.
Ex.P3	The photocopy of the Legal Heirship Certificate of C.K.V.Rajan (Compared with the original)
Ex.P4	The photocopy of the registered Partition Deed dated 04.05.1987 (Compared with the original)
Ex.P5	The computer generated death certificate of Mrs.Rajalakshmi.
Ex.P6	The photocopy of the Legal Heirship Certificate of Mrs.Rajalakshmi Rajan (Compared with the original)
Ex.P7	The photocopy of the death certificate of Capt. V.Ram Mohan (Compared with the original)
Ex.P8	The photocopy of the Legal Heirship Certificate of Mr.V.Rammohan (Compared with the original)
Ex.P9	The computer generated death certificate of Aruna A.Seethalakshmi.
Ex.P10	The photocopy of the Order dated 20.06.2017 in O.P.No.777 of 2016 passed by this Hon'ble High Court (Compared with the original)
Ex.P11	The photocopy of the Order dated 25.10.2013 in O.P.No.53 of 2013 passed by this Hon'ble High Court (Compared with the original)
Ex.P12	The photocopy of the Marriage Certificate of Mr.Parthasarathy Vaidyanathan and Prabhavati Varadarajan (Compared with the original)
Ex.P13	The original death certificate of Mrs.Prabhavati Parthasarathy.
Ex.P14	The photocopy of the Legal Heirship Certificate of Mrs.Prabhavathi Parthasarathy (Compared with the original).
Ex.P15	The photocopy of the Order dated 16.02.2018 in O.P.No.764 of



O.P.No.125 of 2022

<i>Exhibit No.</i>	<i>Description</i>
	2017 passed by this Hon'ble High Court (Compared with the original)
Ex.P16	The affidavit of assets showing the net value of the estate as Rs.25,00,000/-.
Ex.P17	The copy of paper publication effected in one issue of Tamil daily "Makkal Kural" dated 11.10.2022.
Ex.P18	The copy of paper publication effected in one issue of English daily "Trinity Mirror" dated 18.10.2022.



WEB COPY



O.P.No.125 of 2022

SENTHILKUMAR RAMAMOORTHY,J

kal

O.P.No.125 of 2022

08.12.2022