



O.P.No.35 of 2022

KRISHNAN RAMASAMY, J.,

WEB COPY

This petition has been filed under Sections 218 and 278 of the Indian Succession Act, XXXIX, 1925 read with Order XXV, Rule 5 of O.S. Rules, for the grant of Letters of Administration to the properties and credits of the deceased K.L.Sampathkumar in favour of the petitioners to have effect throughout the State of Tamil Nadu.

2.The case of the Petitioners is that the 1st Petitioner is the brother of the deceased K.L.Sampath Kumar and the Petitioners 2 and 3 are his sisters. The Petitioners 4 and 5 are the wife and son of Late Mr.K.L.Manoharan, the brother of the deceased K.L.Sampath Kumar. The Respondents 1 to 4 are the wife and sons of Late K.K.Purushothaman. It is further stated that the next kin or other persons interested have been impleaded and there is no other next of kin or other persons interested to be impleaded.

3. The deceased K.K.Sampath Kumar passed away on 08.09.2018 and his wife D.Kausalya predeceased him. His Parents and his brothers viz., K.L.Purushothaman and K.L.Manoharan also predeceased him. It is



WEB COPY

further stated that the Petitioners as well as the Respondents being the Class II legal heirs are equally entitled to claim the share of the estate of the deceased K.L.Sampathkumar in the ratio of 1/5 share each. The Petitioners are claiming 4/5th share in this petition. Therefore, the petitioners filed the present petition to administer the properties and credits of the deceased K.L.Sampathkumar and to make a full and true inventory thereof and exhibit the same in this Court within six months from the grant of Letters of Administration with the Will annexed to the petitioners, and also to render to this Court a true account of the said property and credits within one year from the said date. No application has been filed in any other Court for Letters of Administration.

3.In order to establish the case of the petitioners, the 1st Petitioner was examined as P.W.1 and following documents Viz., Exs.P.1 to P.12 were marked;

(1) Ex.P1 is the photocopy of the Death Certificate of K.L.Manoharan (original is not produced).



WEB COPY

(2) Ex.P2 is the computer generated death certificate of K.G.Lakshmipathy.

(3) Ex.P3 is the photocopy of the Legal Heirship Certificate in respect of K.G.Lakshmipathy (Compared with the original).

(4) Ex.P4 is photocopy of the death certificate of Kausalya Sampath Kumar (Compared with the original).

(5) Ex.P5 is the computer generated death certificate of L.Kausalya .

(6) Ex.P6 is the computer generated death certificate of K.L.Sampath Kumar.

(7) Ex.P7 is the photocopy of the Sale Deed dated 28.09.2006 (Compared with the original).

(8) Ex.P8 is the photocopy of the Sale Deed dated 01.09.2003 (Compared with the original).

(9) Ex.P9 is the photocopy of the Sale Deed dated 29.06.1995 (Compared with the original).

(10) Ex.P10 is the affidavit of assets showing the net value of the estate as Rs.3,27,08,194/-.

(11) Ex.P11 is the copy of paper publication effected in one issue of



Tamil daily "Makkal Kural" dated 30.04.2022.

WEB COPY (12) Ex.P12 is the copy of paper publication effected in one issue of English daily "Trinity Mirror" dated 07.05.2022.

4.Despite notice being served on the Respondents and their names printed in the causelist, there is no representation on their behalf.

6. Considering the averments made in the petition and on perusing the materials available on record, I am satisfied that the petitioner is entitled to the issuance of Letters of Administration.

7.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 petitioner is 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.

12.07.2022

arr

KRISHNAN RAMASAMY, J.,

arr

5/6



WEB COPY



O.P.No.35 of 2022

12.07.2022



WEB COPY



20.06.2022