



IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 23.03.2022

PRONOUNCED ON : 01.04.2022

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

O.P.No.1084 of 2019

ORDER

This Original Petition has been filed seeking for Letters of Administration without Will.

2. One S.Sarojini who was a retired Government School Teacher, died intestate on 06.08.2014 as spinster at Chicago, USA, during her visit to USA to meet the petitioner who is the nephew (brother's son) of the deceased and the petitioner had brought the corpse from USA to Chennai and cremated on 13.08.2014 at Krishnanpet Graveyard and all the funeral ceremonies were performed by the petitioner alone. The respondent is the mother of the petitioner. Further, the deceased had nominated the petitioner as her nominee in the service records and bank deposits.



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 photocopy of the Sale Deed dated 23.11.1972 executed in favour of Sarojini
P2	The photocopy of the Family Card for the period 2005 -2009 bearing No.02/W/0080225
P3	(series 2 Nos) are the photocopies of P.W.1's old passport bearing No.H2278511 and his new passport bearing No.S2354320 along with the photocopy of the Appointment Confirmation Letter dated 29.10.2021.
P4	The photocopy of the letter dated 22.01.2010 addressed to Ms.S.Sarojini by the State Bank of India
P5	The photocopy of the nomination form dated 25.11.2010
P6	The online copy of Non immigrant Visa Application dated 06.07.2013
P7	The original certificate of death record dated 08.08.2014 in respect of Sarojini Shanmugam who died on 06.08.2014
P8	The photocopy of the Burial ground of death dated 13.08.2014
P9	The photocopy of the Pension Payment Order of S.Sarojini dated 28.04.1994
P10	The photocopy of the Succession Certificate dated 25.10.2016 issued by this Court in O.P.No.121 of 2015
P11	The consent affidavit given by the sole respondent
P12	The affidavit of assets showing the net value of the estate as Rs.9,80,000/-
P13	A copy of the paper publication effected in one issue of Tamil daily "Dina Kural" dated 18.02.2021
P14	A copy of the paper publication effected in one issue of English daily "Southern Mail" dated 26.02.2021



WEB COPY

4. Ex.P4 is the nomination form for Tamil Nadu Government Pensioners' Family Security Fund Scheme and Ex.P5 is the acknowledgment receipt of nomination issued by the State Bank of India, Anna Salai, Chennai wherein, the deceased S.Sarojini has nominated the petitioner as her nominee. Ex.P.11 is the consent affidavit given by the sole respondent. Ex.P.10 shows that this Court had earlier granted succession certificate in favour of the petitioner by order dated 25.10.2016 in O.P.No.121 of 2015.

5. An averment has also been made in the petition that no petitioner has been filed before High Court or any District Court or Probate or learned counsel for the appellant with or without the Will annexed of the property and credits deceased excepts.

6. On a perusal of the evidence available on record and considering the submissions of the learned counsel for the petitioner, this Court is inclined to grant letters of Administration as prayed for in favour of the petitioner in OP No.1084 of 2019. Accordingly, this petition is ordered.

7. Issue Letters of Administration in favour of the petitioner. The

petitioner is 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 petitioner is further directed to render true and correct account once in a year.

Sd/.P.V.J.
01.04.2022

//Certified to be a true copy//

Dated at Madras this the day of 2022.

SU/13.04.2022

COURT OFFICER(O.S.)

From 25.09.2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.