



O.P.No.952 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2022

CORAM

THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

**O.P.No.952 of 2019**

- 1) Mr.P.Mukundh
- 2) Ms.P.Malini

... Petitioners

**PRAYER:** Original Petition filed for issuance of Letters of Administration under Sections 218 and 278 of Indian Succession Act 1925 read with under Order XXV Rule 5 of Original Side Rules, prays to grant Letters of Administration to the property and credits of the Deceased J.Parthasarathy to the petitioners having effect through the Union of India.

For Petitioners : Mr.M.Vidya

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**ORDER**

The petitioners seek the grant of letters of administration in relation to the estate of the late J.Parthasarathy.



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2. The petitioners state that their late father, J.Partharasathy, died on

12.10.1976 in an aircraft accident. The mother of the petitioners, P.Vasanthi, also died in the same accident. The petitioners also state that they were minors aged 3 years and 1 ½ years, respectively, at the time of death of their parents. In paragraph 5 of the petition, it is stated that the mother of the deceased, Mrs. Shenbagavalli, predeceased him and died in 1951.

3. In order to establish entitlement to the relief claimed, the petitioners adduced evidence by examining the first petitioner as PW1. In course of the examination-in-chief of PW1, the seven documents listed at the foot of this order were exhibited as Exs.P1 to P7. The death certificate of the deceased is on record (Ex.P2). This document discloses that he died on 12.10.1976. The document also discloses the permanent address of the deceased, which is within the jurisdiction of this Court. The death certificate of the mother of the petitioners and wife of the deceased is also on record. This document discloses that she died on 12.10.1976. The legal heirship certificate in relation to J.Parthasarathy is on record. This document discloses the names



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of the two petitioners as the son and daughter, respectively, of the deceased.

It also discloses that the wife of the deceased is also dead. The sale deed under which the deceased acquired title to the assets described in the schedule to this petition is also on record (Ex.P1). Paper publications were effected both in the English daily “Trinity Mirror” and Tamil daily “Makkal Kural” (Exs.P6 and P7).

4. On the basis of the assertions in the petition and the evidence adduced in support thereof, the petitioners are entitled to the relief claimed. Accordingly, O.P.No.952 of 2019 is allowed by granting letters of administration to the petitioners in respect of the assets described in the schedule to this petition. The petitioners shall execute a security bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) in the name of the Assistant Registrar (O.S) of this Court. The petitioners shall file an inventory of assets and statement of accounts within a period of six months and one year, respectively.

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**Petitioners' witness:**

P.W.1 – Mr.P.Mukundh

**Documents exhibited by the petitioners:**

| <b><i>Exhibit No.</i></b> | <b><i>Description</i></b>                                                                                             |
|---------------------------|-----------------------------------------------------------------------------------------------------------------------|
| Ex.P1                     | The photocopy of the Sale Deed dated 19.05.1972 executed in favour of Mr.J.Parthasarathy (Compared with the original) |
| Ex.P2                     | The computer generated death certificate of Parthasarathy.                                                            |
| Ex.P3                     | The computer generated death certificate of Vasanthi Parthasarathy.                                                   |
| Ex.P4                     | The computer generated Legal Heirship Certificate of J.Parthasarathy.                                                 |
| Ex.P5                     | The affidavit of assets showing the net value of the estate as Rs.50,00,000/-.                                        |
| Ex.P6                     | The copy of paper publication effected in one issue of English daily "Trinity Mirror" dated 13.07.2021.               |
| Ex.P7                     | The copy of paper publication effected in one issue of Tamil daily "Makkal Kural" dated 28.08.2021.                   |

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**SENTHILKUMAR RAMAMOORTHY,J**



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