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O.P.No.216 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2023

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THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

O.P.No.216 of 2022

S.Raghu,
S/o.Late.R.Sankaran,
Old No.25D, New No.38B, Cart Track Road,
Guindy Industrial Estate,
Chennai-600 032.

.. Petitioner

-VS-

1.S.Jayalakshmi
W/o.Srinivasan and
D/o.Late R.Sankaran
Flat No.501, Radha Building,
Alankapuri Society, Pashan-Sus Road,
Pashan, Pune City, Armament, Pune,
Maharashtra-411 021.

2.S.Kumar,
S/o.Late.R.Sankaran,
No.1/34, Agraharam,
East Valady, Lalgudi Taluk,
Trichy-621 218.

... Respondents

PRAYER: Original Petition filed under Section 218 and 278 of the Indian
Succession Act, 1925 read with Order XXV Rule 5 of the High Court

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Original Side Rules of the High Court, Madras, prays that the 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 and thus render justice.

For Petitioner : Mr.V.Srikanth
Mr.G.Govarthanan

ORDER

The petitioner seeks the grant of letters of administration in respect of the estate of his deceased brother, S.Somasundaram.

2. The petitioner asserts that his brother died intestate on 14.08.2020. It is stated that he resided at the address specified in paragraph 3 of the petition, which is within the jurisdiction of this Court. Although the petitioner's brother was married twice, it is stated that both his wives predeceased him and that he did not have children. Therefore, it is stated that the petitioner and the respondents are the only surviving legal heirs of the deceased.



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3. In order to establish entitlement to the relief claimed, the petitioner

adduced evidence by examining himself as PW1. In course of his examination-in-chief, the 14 documents listed at the foot of this order were exhibited as Exs.P1 to P14. The death certificate of Mr.Somasundaram (Ex.P6) discloses that he died on 14.08.2020. The said document discloses that his mother was the late S.Saradha, his father was the late Sankaran and his wife was the late Hemamalini. The legal heirship certificate of Mr.Sankaran (Ex.P3) discloses the names of the petitioner, the two respondents and the deceased as the legal heirs. The death certificate of the mother of the petitioner and the deceased (Ex.P1) discloses that she died on 17.01.2006. The death certificates of the first and second wives of the deceased (Exs.P4 and P5) disclose that S.R.Visalakshi died on 21.11.1994 and R.Hemamalini on 28.09.2015. Documents evidencing the title of the deceased to the assets in respect of which letters of administration are prayed for, are on record as Exs.P7 to P10. Paper publications were effected (Exs.P13 and P14). The petitioner has placed on record the consent affidavits of the first and second respondents.



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4. Based on the evidence adduced, the petitioner is entitled to letters of administration. Therefore, O.P.No.216 of 2022 is allowed by directing issuance of the letters of administration to the petitioner in respect of the assets described in the affidavit of assets. The petitioner shall execute a security bond for a sum of Rs.25,000/- in the name of the Assistant Registrar, Original Side of this Court. The petitioner shall provide an inventory of assets and statement of accounts within a period of *six months* and *one year*, respectively.

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Index : Yes / No

Internet : Yes / No

Petitioner's witness:

P.W.1 – Mr.S.Raghu

Documents exhibited by the petitioner:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	The computer generated death certificate of Mrs.S.Saradha.
Ex.P2	The photocopy of the death certificate of Mr.R.Sankaran (Compared with the original).



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<i>Exhibits</i>	<i>Documents</i>
Ex.P3	The photocopy of the Legal Heirship certificate of Mr.Snakaran (Compared with the original).
Ex.P4	The computer generated death certificate of Mrs.S.R.Visalakshi.
Ex.P5	The computer generated death certificate of Mrs.Hemamalini.
Ex.P6	The computer generated death certificate of Mr.S.Somasundaram.
Ex.P7	The photocopy of the LIC bond standing in the name of Ms.R.Hemamalini bearing policy No.705190117 (Compared with the original).
Ex.P8	The computer generated gold sovereign bond standing in the name of Mr.S.Somasundaram issued on 23.10.2017.
Ex.P9	The photocopy of the property tax receipt dated 11.04.2018 standing in the name of Mr.S.Somasundaram (Compared with the original).
Ex.P10	The photocopy of the property tax receipt dated 01.11.2018 standing in the name of Mr.S.Somasundaram (Compared with the original).
Ex.P11	The Photocopy of the family card standing in the name of Mr.S.Somasundaram (Compared with the original).
Ex.P12	The affidavit of assets showing the net value of the estate as Rs.80,00,000/-.
Ex.P13	The copy of paper publication effected in one issue of Tamil daily "Makkal Kural" dated 10.09.2022.
Ex.P14	The copy of paper publication effected in one issue of English daily "Trinity Mirror" dated 13.11.2022.

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