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O.P.No.595 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **05.07.2023**

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

O.P.No. 595 of 2022

In the matter of the Indian
Succession Act XXXIX of 1925; and
estate of G.Guruvammal (deceased) Intestate.

K.P.Senthilkumar

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Petitioner

PRAYER: Original Petition filed for Letters of Administration under Section 218 & 278 of Indian Succession Act, 1925 under Order XXV Rule 5 of Original Side Rules, prays the letters of administration to the property and credits of the deceased Guruvammal, to have effect throughout the whole of the State of Tamil Nadu maybe granted to him.

For Petitioner : M/S.T.N.Murali Moghan

ORDER

This Original Petition filed for Letters of Administration under Section 218 & 278 of Indian Succession Act, 1925 read with under Order XXV Rule 5 of Original Side Rules seeking issuance of Letters of Administration to the property and credits of the deceased Guruvammal, to have effect throughout the whole of the State of Tamil Nadu maybe granted to him.



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2.The averments in the petitioner are as follows:-

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The petition mentioned property belonged to one Guruvammal W/o Gurusamy. The petitioner is the son in law of the deceased Guruvammal and he married her daughter M.R.G.Rajheshwari. Out of their wedlock a female child was born and the child is living with the petitioner. The petitioner's wife M.R.G.Rajheshwari died intestate on 26.06.2021. The said Guruvammal purchased the property by virtue of a registered sale deed dated 29.03.1990. The said Guruvammal's husband i.e., Gurusamy predeceased her on 04.03.2000 and Guruvammal died intestate on 22.12.2019.

2.1. The wife of the petitioner was the sole legal heir of the Guruvammal after she died. Since M.R.G.Rajheshwari also died intestate on 26.06.2021, by leaving the petitioner and the minor daughter as her legal heir to succeed the estate, the petitioner and the minor daughter alone are entitled to succeed the petition mentioned property. Since the owner of the property died intestate, this application has been filed by the petitioner for seeing Letters of Administration in respect of the property mentioned in the petition.

3. News paper publication is effected. There is no objector.

4. The petitioner was examined as PW.1 and Ex.P1 to Ex.P12 were



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5. Ex.P1 is the photocopy of the sale deed dated 29.03.1990 in favour of Tmt.G.Guruvammal (compared with the original). Ex.P2 is the computer generated death certificate of Gurusami. Ex. P3 is the original Legal Heirship Certificate of R.Gurusami. Ex.P4 is the photocopy of my marriage registration certificate dated 28.02.2011 at SRO, Sembiam Chennai (compared with the original). Ex.P5 is the computer generated birth certificate of my minor daughter S.R.Ashmita. Ex.P6 is the computer generated death certificate of G.Guruvammal. Ex.P7 is the computer generated legal heirship certificate of G.Guruvammal. Ex.P8 is the computer generated Death Certificate of M.R.G.Rajheswari. Ex.P9 is the computer generated legal heirship certificate of M.R.G.Rajheswari. Ex.P10 is the affidavit of assets showing the net value of the estate as Rs.50,00,000/-. Ex.P11 is the copy of the paper publication effected in issue of Tamil daily “Makkal Kural” dated 18.03.2023. Ex.P12 is the copy of the paper publication effected in issue of English daily “Trinity Mirror” dated 25.03.2023.

6. The above documents would show that G.Guruammal who is the original owner of the property, had left her only daughter M.R.G.Rajheshwari as her legal heir and the said M.R.G.Rajhshwari also



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died subsequently. Since the petitioner and his minor daughter alone are the legal heirs of the deceased M.R.G.Rajheshwari they claim the right of inheritance for the property.

7. Having satisfied with the submission made by the learned counsel for the petitioner and appreciating the evidence on record, the petitioner is entitled to the relief claimed as prayed for.

8. Accordingly, this Original Petition is **allowed** by granting Letters of Administration to the petitioner in respect of the estate of the late G.Guruammal who is the original owner of the property by leaving behind her only daughter M.R.G.Rajheshwari who also died subsequently. The petitioner shall execute a bond for a sum of **Rs.25,000/-** (Rupees Twenty Five Thousand only) in the name of the Assistant Registrar (Original Side) of this Court. The petitioner is further directed to file an inventory of assets and statement of accounts within a period of six months and one year, respectively.

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Internet :Yes/No

Speaking: Non speaking

Neutral:Yes/ No



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APPENDIX

Petitioner's witness:

P.W.1 – Mr.K.P.Senthilkumar

Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	the photocopy of the sale deed dated 29.03.1990 in favour of Tmt.G.Guruvammal (compared with the original)
Ex.P2	the computer generated death certificate of Gurusami
Ex.P3	the original Legal Heirship Certificate of R.Gurusami
Ex.P4	the photocopy of my marriage registration certificate dated 28.02.2011 at SRO, Sembiam Chennai (compared with the original)
Ex.P5	the computer generated birth certificate of my minor daughter S.R.Ashmita
Ex.P6	the computer generated death certificate of G.Guruvammal
Ex.P7	the computer generated legal heirship certificate of G.Guruvammal
Ex.P8	the computer generated Death Certificate of M.R.G.Rajheswari
Ex.P9	the computer generated legal heirship certificate of M.R.G.Rajheswari
Ex.P10	the affidavit of assets showing the net value of the estate as Rs.50,00,000/-
Ex.P11	the copy of the paper publication effected in issue of Tamil daily “Makkal Kural” dated 18.03.2023
Ex.P12	the copy of the paper publication effected in issue of English daily “Trinity Mirror” dated 25.03.2023.

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R.N.MANJULA, J.

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