



O.P.No.457 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2023

CORAM

THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

O.P.No.457 of 2021

G.Muthuraman

... Petitioner

-VS-

- 1.Shantha Viswanathan (Deceased)
- 2.Padma Krishnan
- 3.Rajalakshmi Srinivasan
- 4.Chandra Sabesan
- 5.Thiagarajan
- 6.Swaminathan
- 7.Kamala Vaidy
- 8.V.Rajagopal
- 9.Lalitha Ramachandran
- 10.Vijayalakshmi Viswanathan

... Respondents

(R8 to R10 brought on records as legal heirs of the deceased 1st respondent and amendment carried out as per the order dated 26.10.2022 and extended on 16.11.2022)

PRAYER: Original Petition filed under Sections 218 and 278 of the Indian Succession Act, 1925, Read With Order XXV Rule 5 of the O.S.Rules, 1955, pleased to grant Letters of Administration annexed to the property and



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credits of the deceased to have effect throughout the State of Tamil Nadu
may be granted to him.

For Petitioner : Mr.V.Chandrasekaran

For Respondents : Mr.V.Tamizhanban

ORDER

The petitioner seeks the grant of letters of administration in respect of the estate of his deceased sister, G.Vasantha.

2. The petitioner asserts that his sister died unmarried and intestate on 30.12.2014. It is further stated that their father, R.Govindan, died on 13.01.2000 and their mother, G.Pichammal, died on 01.02.2012. In spite of a diligent search, no will was found. Consequently, it is stated that the petitioner and the respondents herein are the surviving class-II legal heirs of the deceased. Therefore, by joining his siblings as respondents to this



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petition, the present petition was filed. Subsequently, the first respondent passed away. Therefore, the legal heirs of the first respondent were joined as respondents 8 to 10.

3. In order to establish entitlement to the relief claimed, the petitioner adduced evidence by examining himself as P.W.1. In course of the examination in chief of P.W.1, the 12 documents listed at the foot of this order were exhibited as Exs.P1 to P12. The death certificate of G.Vasanth (Ex.P2) discloses that she died on 30.12.2014. Her place of residence is also disclosed therein, and such place of residence is within the jurisdiction of this Court. As evidence that the petitioner and the respondents herein are the only surviving legal heirs of the deceased, the petitioner placed on record the application presented for issuance of a legal heirship certificate (Ex.P3) and the response thereto (Ex.P4). All the defendants have provided their consent affidavits (Exs.P5 to P11).

4. Based on the assertions in the petition and the evidence adduced in support thereof, the petitioner is entitled to the relief claimed.



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5. For reasons set out above, O.P.No.457 of 2021 is allowed by directing that letters of administration be issued 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/- (Rupees Twenty Five Thousand only) 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.

14.02.2023

rna

Index : Yes / No

Internet : Yes / No

Petitioner's witness:

P.W.1 - Mr.G.Muthuraman.

Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Photocopy of the registered Sale Deed dated 27.04.2001 (Compared with the original).
Ex.P2	Computer generated death certificate of G.Vasantha.



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<i>Exhibits</i>	<i>Documents</i>
Ex.P3	Photocopy of the application seeking legal heir certificate addressed to Tahsildar, Mambalam, Chennai by the petitioner.
Ex.P4	Photocopy of the communication of the Tahsildar, Mambalam Taluk dated 08.12.2017 (Witness states that the communication was received by the petitioner as it is. This document is marked subject to its admissibility, proof and relevancy).
Ex.P5	Consent affidavit given by the 1st respondent.
Ex.P6	Consent affidavit given by the 2nd respondent.
Ex.P7	Consent affidavit given by the 3rd respondent.
Ex.P8	Consent affidavit given by the 4th respondent.
Ex.P9	Consent affidavit given by the 5th respondent.
Ex.P10	Consent affidavit given by the 6th respondent.
Ex.P11	Consent affidavit given by the 7th respondent.
Ex.P12	Affidavit of assets showing the net value of the estate as Rs.1,12,96,200/-.



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