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N.SATHISH KUMAR, J.

This Petition has been filed under Sections 218 and 278 of the Indian Succession Act, 1925 read with Order XXV Rule 5 of the Original Side Rules, 1994 seeking to grant of Letters of Administration to the property and credits of the deceased Mrs.S.Seethalakshmi, the mother of the petitioners and the respondents and Susila (since deceased), the sister of the petitioner and the respondents.

2. This petition has been filed for grant of Letters Administration in respect of the estate of one S.Seethalakshmi. The petitioners, the respondents and one Ramasamy are daughters and sons of late S.Seethalakshmi. S.Ramasamy, the brother of the petitioners and the respondent predeceased their mother on 12.11.1993 as a bachelor. Their mother died intestate on 04.03.1998 leaving behind the petitioners and the respondent as her legal heirs. The husband of the deceased Seethalakshi predeceased her on 03.07.1970 and her parents also predeceased in 1959 and 1992. The deceased mother-S.Seethalakshmi and the petitioners had jointly purchased the schedule mentioned property by way of registered sale deed on 22.09.1986 from one Mrs.Urmila Badmami. Thus, the deceased Susila and the petitioners are the co-owners and each one is entitled to $\frac{1}{4}$ share in the schedule mentioned property. Pending this proceedings, the 2nd petitioner-S.Susila died on 18.12.2022 as

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spinster. The petitioners 1, 3 and the respondents being sisters and brothers and Class-II legal heirs, entitled to succeed the estate of Susila, the 2nd petitioner (since deceased) and Class-I heirs of the deceased S.Seethalakshmi. Hence, this petition seeking for the grant of letters of administration.

3. According to the petitioners, the deceased S.Seethalakshmi died intestate and though due and diligent search has been made for a Will, nothing has been found. There is no other kith or kin available than the petitioners and the respondents. The amount of assets which is likely to come to the hands of the petitioners 1 and 3 does not exceed in the aggregate sum of Rs.20,00,000/- and the net amount of the said assets after deducting all the items, which the petitioners 1 and 3 are by law allowed to deduct is only of the value of Rs.19,90,000/- The petitioners 1 and 3 undertake to duly administer the property and credits of the deceased S.Seethalakshmi and to make a full and true inventory thereof and exhibit the same to the Court within six months from the date of grant of Letters of Administration to the petitioners 1 & 3 and also render a true account of the said property and credits within one year from the said date.

4. The learned counsel for the petitioners 1 and 3 submitted that as the 3rd petitioner is presently abroad, the 1st petitioner may be permitted to execute the security bond.



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5. The 1st petitioner has been examined as P.W.1. Ex.P.1 to Ex.P.9 have been marked. P.W.1 in her evidence had narrated the averments made in the petition stating that they have filed this petition for grant of Letters of Administration in favour of the petitioners 1 and 3 in respect of the estate of their deceased mother S.Seethalakshmi . Though the petition was filed by the three sisters, the 2nd petitioner died pending proceedings as spinster and therefore, according to the petitioners 1 and 3 and the respondents, being Class-II heirs, they are entitled to succeed the estate of the deceased Susila, the 2nd petitioner also. The father of the parties predeceased their mother. The respondents 1 to 5 who are also the children of the deceased S.Seethalakshmi have filed their consent affidavits expressing no objection for the grant of letters of administration in respect of the estate of their deceased mother in favour of the petitioners 1 and 3.

6. Ex.P.1 death certificate proves that the father of the parties viz., K.Sundaramoorthy is no more and he predeceased his wife S.Seethalakshmi. Ex.P.2 is the death certificate of S.Ramaswamy, the brother of the parties who predeceased his mother. Ex.P.3 is the death certificate of S.Seethalakshmi, the mother of the parties. Ex.P.4 is the death certificate of the 2nd petitioner. Ex.P.5 is the birth certificate of Sundaramurthy Chandrasekaran, the son of K.Sundaramurthy and the deceased-S.Seethalakshmi. Ex.P.6 is the photocopy of the sale deed dated 22.09.1986. Ex.P.7 is the affidavit of assets showing the



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net value of the estate as Rs.19,90,000/-. Ex.P.8 is the paper publication effected in one issue of Tamil Daily “Makkal Kural” dated 17.12.2022 and Ex.P.9 is the paper publication effected in one issue of English daily “Trinity Mirror” dated 26.12.2022.

7. Considering the facts that the petitioners and the respondents have proved that they are the only surviving Class-I legal heirs of the deceased S.Seethalakshmi and Sundaramurthy and the surviving Class-II legal heirs of the deceased brother Ramasamy who died as bachelor and sister-Susila, the 2nd petitioner who died as spinster and the other facts and circumstances of the case, this court is of the view that the petitioners 1 & 3 are entitled to relief as prayed for and hence, the registry shall issue letters of administration in favour of the petitioners 1 and 3.

8. Accordingly, this petition is allowed. Issue Letters of Administration in favour of the petitioners 1 & 3. The petitioners 1 and 3 are directed to duly administer the properties and credits of the deceased more fully described in the schedule. It is made clear that since the 3rd petitioner is at present abroad, the 1st petitioner is 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 petitioners 1 and 3 are further directed to render true and correct accounts once in a year.

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