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O.P.No.422 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.01.2023

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THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

O.P.No.422 of 2022

Dr.V.Venugopal (79 years)
S/o.Late Venkatesalu
E 105, 3rd Main Road,
Besant Nagar,
Chennai-600 090.

... Petitioner

PRAYER: Original Petition filed under Sections 218 and 278 of Indian Succession Act read with Order XXV, Rule 5 of the Original Side Rules prays that the Letters of Administration to the property and credits of the deceased V.Hemamaalini to have effect limited to the State of Tamil Nadu may be granted to him.

For Petitioner : Ms.C.S.Sreenedhi

ORDER

The petitioner seeks the grant of letters of administration in respect of the estate of his late wife, V.Hemamaalini.



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2. The petitioner states that he and his wife did not have children. His wife died on 20.04.2012. It is also stated that the deceased resided at Besant Nagar, Chennai, which is within the jurisdiction of this Court. The petitioner asserts that the deceased died intestate and that no Will was found in spite of a diligent search for the same. By asserting that the petitioner is the only class I legal heir of the deceased, the present petition is filed.

3. In order to establish entitlement to the relief claimed, the petitioner adduced evidence. The petitioner was examined as PW1 and the 13 documents listed at the foot of this order were exhibited as Exs.P1 to P13. The death certificate of the petitioner's wife (Ex.P3) discloses that she died on 20.04.2012. This document also discloses that the deceased resided at Besant Nagar, Chennai, which is within the jurisdiction of this Court. The legal heirship certificate in respect of the deceased (Ex.P4) discloses that the petitioner is the husband and only surviving class I legal heir of the deceased. The death certificates of the mother and father of the deceased are on record (Exs.P2 and P4). Ex.P2 discloses that the father of the deceased died on 28.03.1999 and Ex.P4 discloses that the mother of the deceased



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died on 20.10.2012. The sale deed and other documents evidencing the title of the deceased to the relevant assets are on record (Exs.P1, P6, P7 and P8).

Paper publications were effected in one issue of the Tamil daily “Makkal Kural” and one issue of the English daily “Trinity Mirror”. These documents are on record (Exs.P12 and P13).

4. Based on the assertions in the petition and the evidence adduced in support thereof, the petitioner is entitled to the relief claimed. Accordingly, O.P.No.422 of 2022 is allowed by granting letters of administration to the petitioner in respect of the estate described in the schedule to the petition. The petitioner shall execute a security bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) in favour of the Assistant Registrar (Original Side) of this Court. The petitioner shall file an inventory of assets and statement of accounts within a period of six months and one year, respectively.

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Petitioner's witness:

P.W.1 – Mr.V.Venugopal

Documents exhibited by the petitioner:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	The photocopy of the Sale Deed dated 25.05.1984 (Compared with the original).
Ex.P2	The computer generated death certificate of Mr.C.V.Raja Gopal.
Ex.P3	The computer generated death certificate of Mrs.Hemmaalini.
Ex.P4	The computer generated death certificate of Mr.C.R.Nappinna.
Ex.P5	The computer generated Legal Heirship Certificate of Mrs.V.Hemamaalini.
Ex.P6	The photocopy of the patta standing in my name (Compared with the original).
Ex.P7	The photocopy of the property tax demand card standing in my name (Compared with the original).
Ex.P8	The photocopy of the Water & Sewerage Tax – cum – Water Charges/Sewage Service Charges card standing in my name (Compared with the original).
Ex.P9	(series 2 Nos.) are the photocopies of the electricity consumption charges cards standing in my name (Compared with the original).
Ex.P10	The photocopy of the Aadhaar card (Compared with the original).
Ex.P11	The affidavit of assets showing the net value of the estate as Rs.3,59,80,000/-.



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<i>Exhibits</i>	<i>Documents</i>
Ex.P12	The copy of paper publication effected in one issue of Tamil day “Makkal Mural” dated 13.10.2022.
Ex.P13	The copy of paper publication effected in one issue of English daily "Trinity Mirror" dated 2010.2022.

SENTHILKUMAR RAMAMOORTHY,J



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