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O.P.No.239 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.06.2023

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

O.P.No.239 of 2022

1.A.Sujatha
2.M.L.Sridevi

... Petitioners

Prayer: Original Petition filed for issuance of Letters of Administration without Will of the properties and credits under Section 218 & 278 of the Indian Succession Act 1925 r/w Order XXV Rule 5 of the Original Side Rules, petitioners pray that Letters of Administration annexed of the properties and credits of the deceased Smt.M.N.Mahalakshmi, to be granted in favour of the petitioners as Class-II legal heir and beneficiary.

For Petitioners : Mr.T.N.C.Kaushik

ORDER

This Original Petition has been filed for issuance of Letters of Administration in respect of the properties and credits held by



E.N.Mahalakshmi, who died intestate on 19.08.2020. The petitioners are the cousin sisters of the deceased E.N.Mahalakshmi. The petitioners seek issuance of Letters of Administration in respect of the properties and credits situate within the jurisdiction of this Court.

2. The petitioners submit that the deceased E.N.Mahalakshmi, remained unmarried till her death and her parents had pre-deceased her, as such the deceased has no surviving Class-I legal heirs. The petitioners are the only surviving legal heirs of the deceased, being the paternal aunt's daughters. The second petitioner was examined herself as, P.W.1. She has produced the death certificates of the deceased E.N.Mahalakshmi, Padmavathy Natarajan (mother of the deceased), L.Jayalakshmi (mother of the petitioners), and P.C.Lingappa (father of the petitioners) as, Exs.P12, P8, P13 and P16 respectively. The legal heirship certificates of Padmavathy Natarajan and L.Jayalakshmi are produced and marked as Exs.P9 and P14. A perusal of Ex.P9 shows that the deceased E.N.Mahalakshmi is the only surviving Class-I legal heir and that she has no siblings, and on perusal of Ex.P14, shows that the petitioners are the only surviving Class-I legal heirs of the deceased L.Jayalakshmi, who is the paternal aunt of the deceased. A paper publication has been made and any



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objections have not been received.

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3. In view of the above said facts and evidence, this Original Petition is ordered and Letters of Administration is granted in favour of the petitioners, in respect of the properties and credits held by E.N.Mahalakshmi. The petitioners are directed to 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 petitioners are 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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Index :Yes/No

Internet: Yes/ No

Petitioners witness:

P.W.1- Mrs.M.L.Sridevi

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	The photocopy of the first page of Indian Overseas Bank passbook bearing Account No.108301000000630 standing in the name of Ms.E.N.Mahalakshmi.



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<i>Exhibits</i>	<i>Documents</i>
Ex.P2	The photocopy of the LIC Endowment Assurance Policy bond of Ms.E.N.Mahalakshmi.
Ex.P3	The certified copy of the sale deed dated 01.03.1996 in favour of E.B.Natarajan.
Ex.P4	The photocopy of the construction agreement dated 09.05.1996 between Mr.E.B.Natarajan and Sri Lakshmi Builders Pvt.Ltd.
Ex.P5	The photocopy of the legal heirship certificate of Mr.E.B.Natarajan.
Ex.P6	The photocopy of the LIC Policy bond bearing policy No.715437828 standing in the name of E.N.Mahalakshmi.
Ex.P7	The photocopy of the bank passbook of City Union bank limited, Mandaveli Branch bearing Account No.SB-120929 standing in the name of E.N.Mahalakshmi.
Ex.P8	The computer generated death certificate of Mrs.Padmavathy Natarajan.
Ex.P9	The photocopy of the legal heirship certificate of Mrs.Padmavathy Natarajan.
Ex.P10	The photocopy of the post office passbook at post office, Mandaveli bearing Account No.4685381249 standing in the name of E.N.Mahalakshmi.
Ex.P11	The photocopy of the post office passbook at post office, Mandaveli bearing Account No.4701251099 standing in the name of E.N.Mahalakshmi.
Ex.P12	The computer generated death certificate of E.N.Mahalakshmi.
Ex.P13	The computer generated death certificate of Mrs.L.Jayalakshmi.
Ex.P14	The computer generated legal heir certificate of Mrs.L.Jayalakshmi.



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<i>Exhibits</i>	<i>Documents</i>
Ex.P15	The computer generated Encumbrance certificate for the period of 01.01.1996 to 23.05.2021.
Ex.P16	The computer generated death certificate of Mr.P.C.Lingappa.
Ex.P17	The affidavit of assets showing the net value of the estate as Rs.46,10,750/-
Ex.P18	The copy of paper publication effected in one issue of Tamil daily “Makkal Kural” dated 21.09.2022
Ex.P19	The copy of paper publication effected in one issue of English daily “Trinity Mirror” dated 05.10.2022

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