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O.P.No.802 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.802 of 2022

1.V.Umameswari
2.N.Pachaiyappan
3.N.Malarvizhi

... Petitioners

Prayer: Original Petition filed for issuance of Letters of Administration to the properties and credits of K.Sundarraaj @ K.Sundarrajan under Sections 218 & 278 of the Indian Succession Act of 1925 r/w Order XXV Rule 5 of the Original Side Rules, prays that Letters of Administration to the property and credits of the deceased K.Sundarraaj @ K.Sundarrajan may be granted to the petitioners.

For Petitioners : Mr.P.Paul Selvam

ORDER

This Original Petition has been filed for issuance of Letters of Administration in respect of the properties and credits held by K.Sundarraaj @ K.Sundarrajan, who died intestate on 27.09.2020. The first and third petitioners are the niece and second petitioner is the nephew of the deceased K.Sundarraaj @ K.Sundarrajan. The petitioners seek issuance of Letters of Administration in respect of the properties and credits situate within the jurisdiction of this Court.



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2. The petitioners submit that the deceased K.Sundarraaj @ K.Sundarrajan, remained unmarried till his death and his parents had pre-deceased him, as such the deceased has no surviving Class-I legal heirs. The petitioners father is the brother of the deceased, namely Natarajan, who died on 16.01.2001. The petitioners being the paternal uncle's son and daughters are the Class-II legal heirs of the deceased.

3. The first petitioner was examined himself as, P.W.1. He has produced the death certificates of the deceased K.Sundarraaj @ K.Sundarrajan, Natarajan (father of the petitioners) and Veerammal (mother of the petitioners) as, Exs.P1, P2 and P3. The copy of the partition deed dated 23.04.2007, bearing Doc.No.948 of 2007, on the file of SRO Puruswalkam, is marked and produced as Ex.P10. A perusal of Ex.P10, the partition deed, would show that the same has been entered to upon by parties including the deceased K.Sundarraaj @ K.Sundarrajan and the petitioners herein. The said partition deals with maternal ancestral properties of the deceased K.Sundarraaj @ K.Sundarrajan. The recitals in Ex.P10, establishes that the deceased K.Sundarraaj @ K.Sundarrajan and K.Natarajan, the father of the petitioners are the sons of K.Angammal and Kuppusamy, which evidences that the deceased K.Sundarraaj @ K.Sundarrajan and K.Natarajan as brothers. A paper publication has been made and any objections have not been received.



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4. 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 K.Sundarraaj @ K.Sundarrajan. 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

Petitioner's witness:

P.W.1-Mrs.V.Umamageswari

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	The computer generated death certificate of Sundar raj.
Ex.P2	The computer generated death certificate of Natarajan.
Ex.P3	The photocopy of the death certificate of Mrs.N.Veerammal.
Ex.P4	The computer generated legal heirship certificate of Mrs.Veerammal.
Ex.P5	The computer generated statement of account as on



<i>Exhibits</i>	<i>Documents</i>
	11.08.2021 given by Inidan Bank, Kellys Branch in respect of account held by K.Sunder Raj bearing Account No.722143868.
Ex.P6	The photocopy of the interest certificate issued by TNSC Bank in respect of term deposit held by K.Sunder Raj bearing Account No.701882156 and 708319671.
Ex.P7	The photocopy of the first petitioner's Aadhaar Card.
Ex.P8	The photocopy of the second petitioner's Aadhaar Card.
Ex.P9	The photocopy of the third petitioner's Aadhaar card.
Ex.P10	The photocopy of partition deed dated 23.04.2007 bearing document No.948 of 2007 at SRO Purasawalkam.
Ex.P11	The affidavit of assets showing the net value of the estate as Rs.18,00,000/-.
Ex.P12	The copy of the paper publication effected in one issue of Tamil daily "Makkal Kural" dated 24.03.2023.
Ex.P13	The paper publication effected in one issue of English daily "Trinity Mirror" dated 31.03.2023.

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