



O.P.No.200 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.07.2023

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

O.P.No. 200 of 2022

T.Vinod

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Petitioner

Original Petition is filed under Section 218 and 278 of the Indian Succession Act (XXXIX of 1925) and Order XXV Rule 5 of Original Side Rules to grant Letters of Administration to the property and credits of deceased to have effect limited to the State of Tamil Nadu.

For Petitioner : Mr.G.Madhan Raj

ORDER

This Original Petition has been filed under Section 218 and 278 of the Indian Succession Act (XXXIX of 1925) and Order XXV Rule 5 of Original Side Rules to grant Letters of Administration to the petitioner for the property and credits of deceased.



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2. The averments in the petition are as follows:-

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The petition mentioned property was executed in favour of S.Soundaravally by virtue of a sale deed dated 04.02.1991. The petitioner is the adopted son of the deceased Soundaravally. The said Soundaravally died on 19.01.2020 by leaving behind the petitioner as his only legal heir. The husband and parents of Soundaravally predeceased her. As of now excepting the petitioner, there is no other existing legal heir for the deceased Soundaravally. The said Soundaravally had executed an adoption deed dated 25.05.1996 registered as document No.483 of 1996 in favour of the petitioner. Since the said Soundaravally died intestate, the petitioner being her only adopted son is entitled to inherit the property.

3. The petitioner examined himself as P.W.1 and the following documents were marked:

<i>Exhibits</i>	<i>Documents</i>
P1	Computer generated death certificate of S.Soundaravally
P2	Computer generated legal heir certificate of Soundaravally
P3	Photocopy of the sale deed executed in favour of S.Soundaraally dated 04.02.1991 (compared with original)
P4	Photocopy of the adoption deed dated 22.05.1996 registered as Doc.No.483/1996 before SRO, Konnur. (compared with original)
P5	Affidavit of assets showing the net value of the estate as Rs.24,80,000/-
P6	Copy of paper publication effected in Tamil daily "Makkal Kural" dated 14.02.2023.



<i>Exhibits</i>	<i>Documents</i>
P7	Copy of paper publication effected in English daily “Trinity Mirror” dated 22.02.2023.

4. Paper publication effected. No objectors.

5. The copy of sale deed executed in favour of S.Soundaravally and the adoption deed is marked as Exs.P3 & P4. The death certificate of Soundaravally is marked as Ex.P1 and the legal heirship certificate of Soundaravally marked as Ex.P2 would show that the petitioner is her only legal heir as adopted son.

6. The oral and documentary evidence produced by the petitioner proves that he is entitled to inherit the property in his capacity as adopted son of the testatrix. Hence I feel that the petitioner is entitled to the relief as prayed.

7. Hence, this Original Petition is allowed by granting Letters of Administration to the petitioner with the property and credits of deceased S.Soundaravally annexed in the schedule of the petition. Such Letters of Administration shall have effect throughout the State of Tamilnadu. The



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petitioner is 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 petitioner is 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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Internet :Yes/No

Speaking: Non speaking

Neutral:Yes/ No



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APPENDIX

Petitioner's witness:

P.W.1 – T.Vinod

Documents marked:

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R.N.MANJULA, J.

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