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O.P.No.756 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **14.09.2023**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

O.P.No. 756 of 2021

1. S.Sampooranam (deceased)
2. S.Rajalakshmi
3. S.Seetharaman
4. S.Karthikeyan ...

Petitioners

(petitioners 2 to 4 are impleaded as legal heirs of the deceased first petitioner vide order dated 06.07.2023 in A.No.3338/2023 in O.P.No.75/2021)

Original Petition is filed under Section 218 & 278 of the Indian Succession Act, 1925 (Act XXXIX of 1925) read with Order XXV, Rule-5 of Original Side Rules, 1956 to grant Letters of Administration to the property and credits of the deceased to have effect throughout the State of Tamil Nadu to the petitioners.

For Petitioner : Mr.B.Dinesh Kumar

ORDER

This Original Petition has been filed under Section 218 & 278 of the Indian Succession Act, 1925 (Act XXXIX of 1925) and under Order XXV, Rule-5 of Original Side Rules seeking to grant Letters of Administration to the property and credits of the deceased to have effect throughout the State of Tamil Nadu to the petitioners.



2. The petition mentioned property was originally owned by one N.V.Subramanian. The said N.V.Subramanian died intestate on 08.06.2019 and his wife predeceased him. The couple had one son and daughter. The daughter of N.V.Subramanian by name Chandra Rajagopal died on 04.08.2020 and she had no issues. The husband of Chandra Rajagopal by name Rajagopal also predeceased her on 10.06.2008. After the death of Chandra Rajagopal, her brother Sridhar became entitled to the whole of the petition mentioned property. Thereafter, Sridhar died on 16.10.2020. He remained unmarried till his death and he did not have any Class I legal heirs at the time of his death. At the time of death of Sridhar, his paternal aunt by name Sampooranam was his only surviving legal heir and she had filed this petition seeking Letters of Administration in respect of the petition mentioned property.

3. During pendency of this proceedings the said Sampooranam also died and hence her two sons and one daughter has been impleaded as petitioners 2 to 4.

4. The third petitioner by name S.Seetharaman was examined as P.W.1 and Exs.P1 to P 14.



5. From the death certificate Exs.P1 and P2 it is seen that Sridhar and his father died on 16.10.2017 and 08.06.2019. From Ex.P3-legal heirship certificate it is seen that the father of Sridhar had only two children and his wife predeceased him. The only sister of Sridhar by name Chandra Rajagopal also died on 04.08.2020 and her death certificate is produced as Ex.P4. Ex.P5 is the death certificate of the husband of Chandra Rajagopal and that would show that he died on 10.06.2008. From Ex.P7 birth certificate it is seen that the parents of Sampooranam is R.S.Venkataraman who is the great grandfather of Sridhar and that would show that the deceased Sampooranam is the paternal aunt of Sridhar.

6. Paper publication issued in one issue Tamil daily “Makkal Kural” on 23.07.2022 and English daily “Trinity Mirror” on 30.07.2022 did not attract any objectors.

7. Since Sridhar died intestate and he did not have any Class-I legal heirs, his paternal aunt alone was his Class-II legal heir and she was entitled to inherit the petition mentioned property. Consequent to her death, her legal heirs who were impleaded as petitioners herein are entitled to the same and hence they continue the proceedings by getting themselves impleaded



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8. From the evidence available on record it is seen that petitioners 2 to 4 as legal heirs of their deceased mother Sampooranam are entitled to inherit the petition mentioned property. Since the petitioners have proved his claim with all the relevant documents, they are entitled to grant of Letters of Administration.

9. Hence, this Original Petition is allowed by granting Letters of Administration to the petitioners 2 to 4 in respect of the petition mentioned properties. The Letters of Administration shall have effect throughout the State of Tamil Nadu. The petitioners 2 to 4 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 2 to 4 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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APPENDIX

Petitioner's witness:

P.W.1 –S.Seetharaman

Documents marked:

<i>Exhibits</i>	<i>Documents</i>
P1	Death certificate of S.Sridhar
P2	Death certificate of M.V.Subramanian
P3	Legal heirship certificate of M.V.Subramanian
P4	Death certificate of Chandra Rajagopal
P5	Death certificate of R.Rajagopal
P6	Death certificate R.S.Venkataraman
P7	Photocopy of the first page of Secondary School Leaving Certificate of V.Sampooranam
P8	Aadhaar Card of first petitioner
P9	Sale deed dated 30.09.1994
P10	Affidavit of assets
P11	Death certificate of S.Sampooranam
P12	Legal heir certificate of S.Sampooranam
P13	Paper publication dated 30.07.2022
P14	Paper publication dated 23.07.2022

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