



O.P.No.70 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **14.07.2023**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

O.P.No. 70 of 2022

Manoj Kumar Agarwal

...

Petitioner

Vs.

1. Khushboo Agarwal

2. Mayank Agarwal

....

Respondents

Original Petition is filed under Section 218, 278 of the Indian Succession Act, 1925 r/w. Order XXV Rule 5 of High Court, Madras, Original Side, 1956, praying to grant Letters of Administration to the property and credits of the deceased to have effect throughout the whole of Union of India may be granted to the petitioner.

For Petitioner : Mr.S.Thanka Sivan

For Respondents : Ms.R.Karthika Lakshmi



O.P.No.70 of 2022

ORDER

WEB COPY This Original Petition has been filed under Section 218, 278 of the Indian Succession Act, 1925 r/w. Order XXV Rule 5 of High Court, Madras, Original Side, 1956, praying to grant Letters of Administration to the property and credits of the deceased to have effect throughout the whole of Union of India may be granted to the petitioner.

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

The petitioner and the respondents are the husband and children of one Reena Agarwal who owned the assets detailed in the schedule of the petition. She also owned an immovable property which is described under Item-1 of the schedule and the same is said to have been purchased by her by virtue of a sale deed dated 14.05.2015. The sale deed is a joint sale deed purchased in the names of Reena Agarwal and her husband Manoj Kumar Agarwal who is the petitioner herein. Reena Agarwal died on 18.08.2019 by leaving behind her husband and children as her only legal heirs.

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



O.P.No.70 of 2022

<i>Exhibits</i>	<i>Documents</i>
P1	The computer generated death certificate of Mrs.Reena Agarwal
P2	Computer generated legal heir certificate of Mrs.Reena Agarwal
P3	Photocopy of the sale deed dated 14.05.2015 in favour of Mr.Manoj Kumar Agarwal and Mrs.Reena Agarwal (compared with the original)
P4	Computer generated Statement of Summary of HDFC Bank in respect of Mrs.Reena Agarwal
P5	Computer generated Statement of Summary of HDFC Bank in respect of Mr.Manoj Kumar Agarwal and Mrs.Reena Agarwal
P6	Copy of the email communication dated 14.12.2021
P7	Computer generated Statement of Summary of PunjabNational Bank in respect of Mrs.Reena Agarwal
P8	Photocopy of LIC Policy bond bearing policy No.193432629 in respect of Mrs.Reena Agarwal
P9	Affidavit filed under Section 65B of Indian Evidence Act, in respect of Ex.P6
P10	Affidavit of assets showing the net value of estate as Rs.1,86,25,848.25/-
P11	Consent affidavit given by the first respondent
P12	Consent affidavit given by the second respondent.
P13	Copy of paper publication effected on one issue of Tamil daily "Dinakural" dated 03.03.2023
P14	Copy of paper publication effected on one issue of English daily "Southern Mail" dated 11.03.2023

4. The death certificate of Reena Agarwal is marked as Ex.P1. The legal heirship certificate of Reena Agarwal is marked as Ex.P2 and that would show that the petitioner and the respondents are her only legal heirs.

The sale deed dated 14.05.2015 is marked as Ex.P3. Exs.P4 to P8 would



O.P.No.70 of 2022

(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.

14.07.2023

bkn

Internet :Yes/No

Speaking: Non speaking

Neutral:Yes/ No



O.P.No.70 of 2022

APPENDIX

Petitioner's witness:

P.W.1 – Mr.Manoj Kumar Agarwal

Documents marked:

<i>Exhibits</i>	<i>Documents</i>
P1	The computer generated death certificate of Mrs.Reena Agarwal
P2	Computer generated legal heir certificate of Mrs.Reena Agarwal
P3	Photocopy of the sale deed dated 14.05.2015 in favour of Mr.Manoj Kumar Agarwal and Mrs.Reena Agarwal (compared with the original)
P4	Computer generated Statement of Summary of HDFC Bank in respect of Mrs.Reena Agarwal
P5	Computer generated Statement of Summary of HDFC Bank in respect of Mr.Manoj Kumar Agarwal and Mrs.Reena Agarwal
P6	Copy of the email communication dated 14.12.2021
P7	Computer generated Statement of Summary of PunjabNational Bank in respect of Mrs.Reena Agarwal
P8	Photocopy of LIC Policy bond bearing policy No.193432629 in respect of Mrs.Reena Agarwal
P9	Affidavit filed under Section 65B of Indian Evidence Act, in respect of Ex.P6
P10	Affidavit of assets showing the net value of estate as Rs.1,86,25,848.25/-
P11	Consent affidavit given by the first respondent
P12	Consent affidavit given by the second respondent.
P13	Copy of paper publication effected on one issue of Tamil daily “Dinakural” dated 03.03.2023
P14	Copy of paper publication effected on one issue of English daily “Southern Mail” dated 11.03.2023.

14.07.2023

bkn



WEB COPY



O.P.No.70 of 2022

R.N.MANJULA, J.

bkn

O.P.No. 70 of 2022

14.07.2023