



O.P.No.446 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **14.08.2023**

CORAM:

THE HONOURABLE Ms.JUSTICE **R.N.MANJULA**

O.P.No.446 of 2022

K.Skandakumar

... Petitioner

-Vs-

1. Vijayalakshmi
2. P.Seethalakshmi
3. K.Chandramohan
4. Swarnalakshmi
5. K.Ravindranath

... Respondents

Original Petition is filed under Section 218 & 278 of the Indian Succession Act, 1925 read with Order XXV, Rule-5 of Original Side Rules seeking for grant of Letters of Administration to the property and credits of the deceased to have effect limited to the State of Tamil Nadu to the petitioner.

For Petitioner : Mr.R.Baskar

For Respondents : Mr.M.Venkateswaran



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ORDER

This Original Petition has been filed under Section 218 & 278 of the Indian Succession Act, 1925 read with under Order XXV Rule 5 of Original Side Rules seeking issuance of Letters of Administration to the petitioner.

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

The petition mentioned property was originally owned by one K.Ratna Kanth, who is the brother of the petitioner herein. The said K.Ratna Kanth remained unmarried and he died intestate on 20.05.2021. The parents of the deceased K.Ratna Kanth predeceased him on 17.07.2003 & 1983 respectively. The said K.Ratna Kanth had seven siblings out of them, one brother by name K.Bharath Kumar also predeceased him on 04.01.2021. Since K.Ratna Kanth did not have any Class-I legal heirs, the petitioner and the respondents, who are his brothers and sisters are the only legal heirs of late K.Ratna Kanth. Hence, the petitioner had filed this petition for seeking succession certificate.



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3. The petitioner has examined himself as PW.1 and marked the following documents:-

<i>Exhibits</i>	<i>Documents</i>
P1	Photocopy of the Andhra Bank deposit receipt dated 02.05.2018 in the name of Mr.Ratna Kanth. K (Witness states that the original is handed over to the Bank. This document is marked subject to admissibility proof and relevancy).
P2	Photocopy of the Sale deed dated 16.04.2012 executed in favour of Mr.K.Bharathkumar (Compared with the original).
P3	Photocopy of the death certificate of Mr.Bharath Kumar (compared with the original)
P4	Computer generated death certificate of Mr.K.Ratna Kanth.
P5	Computer generated death certificate of Mrs.Kamala Krishna Swamy.
P6	Photocopy of the Aadhaar card of Mr.Ratna Kanth. (Compared with the original)
P7	Photocopy of my Aadhaar Card. (Compared with the original)
P8	Photocopy of the Union Bank Pass Book bearing account No.025510100006676 in respect of K.Ratna Kanth. (This document is marked subject to proof and relevancy).
P9	Copy of paper publication effected in one issue of Tamil Daily "Makkal Kural" dated 25.06.2023.
P10	Copy of paper publication effected in one issue of English Daily "Trinity Mirror" dated 25.06.2023.
P11	Affidavit of assets showing the net value of Estate as Rs.11,71,117/-.



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4. News Paper publications effected. No objectors.

5. From the death certificate of K.Ratna Kanth, it is seen that he died on 20.05.2021. Since the deceased K.Ratna Kanth remained unmarried, he did not have any Class-I legal heirs and the petitioner and the respondents, who are his brothers and sisters alone are the legal heirs of the deceased K.Ratna Kanth and hence, they are entitled to equally inherit the schedule mentioned securities. The respondents had given consent in favour of the petitioner and they are marked Exs.R1 to R5 through the first respondent, who was examined as RW1.

6. Considering the evidence available on record and averments made in the petition, the petitioner is entitled to the reliefs as prayed for.

7. Accordingly, this Original Petition is allowed by granting Letters of Administration in favour of the petitioner. Such Letters of Administration shall have effect throughout the State of Tamilnadu. The 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



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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 Order
Neutral Citation:Yes/ No

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R.N.MANJULA, J.

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