



O.P.No.136 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **04.08.2023**

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

O.P.No. 136 of 2022

1. Malti Kishinchand Thakur

2. Prateek Hemdev

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Petitioners

PRAYER: Original Petition filed for issuance of Letters of Administration with Will annexed under Section 218 & 278 of the Indian Succession Act, r/w. Order XXV Rule 5 of the Original Side Rules, prays that the Letters of Administration to the properties and credits of the Naresh Hemdev deceased to have effect throughout the State of Tamilnadu.

For Petitioners : Mr.G.Ashok Kumar

ORDER

This petition has been filed for seeking the Letters of Administration in respect of to the properties and credits of the deceased Naresh Hemdev.

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

The petition mentioned property was originally purchased by the 1st petitioner/ Malti Kishinchand Thakur, her husband/ Naresh Hemdev and her mother in law/Sathi Narayandas Hemdev by virtue of the a sale deed dated



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25.01.2021. The mother in law of the 1st petitioner died on 23.01.1997. The husband of the 1st petitioner Naresh Hemdev also died on 25.01.2021. The father in law/ Naraindas Hemdev of the 1st petitioner died on 03.06.2020. However the name change of the Revenue Records did not take place subsequently to the death of the mother in law and her husband of the 1st petitioner. After the demise of her husband, the 1st petitioner went and approached the corporation authorities to effect name change of the assessment and she was instructed to get the Letter of Administration in view of the changes not made earlier. The 2nd petitioner is the son of the 1st petitioner and the petitioners are the only legal heirs of the late Naresh Hemdev. It is submitted that Naresh Hemdev is the only son for his parents and he had no other siblings, in similarly the 2nd petitioner is the only son of the 1st petitioner and her husband Naresh Hemdev and both the petitioners have filed this petition seeking joint Letter of Administration. The husband and the mother in law of the 1st petitioner died intestate in respect of their respective 1/3 shares each in the petition mentioned properties. So the petitioners have filed this petition.

3. The 1st petitioner examined herself as PW.1 and the following documents were marked through her and they are listed as hereunder:



<i>Exhibits</i>	<i>Documents</i>
Ex.P1	The photocopy of the sale deed in Doc.No. 1089/1991 (compared with the original)
Ex.P2	The photocopy of Birth Certificate of the 2nd Petitioner
Ex.P3	The photocopy of the death certificate of Sati Narayandas Hemdev dated 23.01.1997 (compared with the original)
Ex.P4	The photocopy of the death certificate of Naraindas Tarasingh dated 03.06.2020
Ex.P5	The photocopy of the death certificate of Naresh Hemdev dated 25.01.2021
Ex.P6	The photocopy of the legal heir certificate of Naresh Hemdev dated 13.08.2021
Ex.P7	The photocopy of the Ration Card of the Petitioner (compared with the original)
Ex.P8	The photocopy of the Aadhar Card of the 1st petitioner
Ex.P9	The affidavit of valuation of the properties.
Ex.P10	The original paper publication published in a Tamil Daily.
Ex.P11	The original paper publication published in a English Daily

5. Ex.P3 and Ex.P4 are the copies of the death certificates of the 1st petitioner's father in law and mother in law and Ex.P5 is the copy of the death certificate of the husband of the 1st petitioner and Ex.P6 is the legal heir certificate of Naresh Hemdev, it is seen that the 1st petitioner and the 2nd petitioner are the only legal heirs for the deceased mother in law and husband of the 1st petitioner. The paper publications issued in Tamil daily



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"Makkal Kural" and English daily "Trinity Mirror" dated 28.06.2022 and 06.07.2022, respectively, did not attract any objectors.

6. Since both the joint purchasers, namely Naresh Hemdev/husband and Sathi Narayandas Hemdev/mother-in-law, have died intestate, the petitioners have to be issued Letters of Administration in respect of the petition mentioned properties because they are the only surviving legal heirs entitled to inherit them. Hence, the petitioners are entitled to the relief claimed as prayed for.

7. Accordingly, this Original Petition is **allowed** by granting Letter of Administration to the petitioners undertakes to duly administer the property and credits of the siad Naresh Hemdev (deceased). The petitioners shall execute a 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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jrs

Internet :Yes/No

Speaking: Non speaking

Neutral:Yes/ No



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R.N.MANJULA, J.
jrs

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