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O.P.No.157 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **19.09.2023**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

O.P.No. 157 of 2023

1. K.Mathivanan
2. M.Lavanya
3. Janani

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Petitioners

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 whole State of Madras, to the petitioners and also to permit the petitioners to operate the contents of the locker No.4/4, located at SBI, Villivakkam Branch, Chennai now held in the custody of SBI, Villivakkam Branch, Chennai, vide their communication dated 07.03.2022 and further to receive the contents of the locker.

For Petitioner : Mr.N.Sachidanandam



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ORDER

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This Original Petition has been filed under Section 218 & 278 of the Indian Succession Act, 1925 read with Order XXV Rule 5 of Original Side Rules to grant Letters of Administration to the property and credits of the deceased having effect throughout the State of Tamil Nadu and also to permit the petitioners to operate the contents of the locker No.4/4, located at SBI, Villivakkam Branch, Chennai now held in the custody of SBI, Villivakkam Branch, Chennai, vide their communication dated 07.03.2022 and further to receive the contents of the locker.

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

The first petitioner's wife by name M.Malarkodi has been operating a locker bearing No.4/4 at State Bank of India, Villivakkam, Chennai. The said Malarkodi died intestate on 16.05.2021 leaving behind the petitioners 1 to 3 as her legal heirs. The first petitioner is the husband of deceased Malarkodi and the second and third petitioners are her daughters. Subsequent to the death of Malarkodi, in the presence of petitioners, the State Bank Authorities have opened the locker and taken inventory of the list of items mentioned as 1 to 37 in the petition. Since the petitioners are in need of Letters of Administration in order to operate the locker and utilize



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the properties therein as legal heirs of Malarkodi, this petition has been filed.

3. The first petitioner has been examined as P.W.1 and Exs.P1 to P16 were marked.

4. From Ex.P1 - death certificate it is seen that Malarkodi died on 16.05.2021. The legal heirship certificate- Ex.P2 would show that the petitioners are the only surviving legal heirs of Malarkodi. Ex.P12 is the contents of inventory issued by the bank. Ex.P14 is marked as Affidavit of Assets. Paper publication effected in one issue of Tamil daily "Makkal Kural" on 19.07.2023 and English daily "Trinity Mirror" on 27.07.2023 did not attract any objectors.

5. Since Malarkodi died intestate, the petitioners who are her only legal heirs are entitled to inherit her assets. However, the petitioners have proved their claim only in respect of the Gold Jewels held in the custody of Malarkodi by producing relevant documents. In so far as the rest of articles is concerned, the petitioners have to initiate appropriate proceedings either for mandatory direction directing the bank to hand over all these things or



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for grant of succession certificate in respect of movable assets owned by
Malarkodi in Fixed Deposits.

6. Hence, this Original Petition is allowed by granting Letters of Administration to the petitioners only in respect of the Gold articles held in the custody of M.Malarkodi. Such Letters of Administration shall have effect throughout the State of Tamilnadu. The petitioners 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 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 – K.Mathivanan

Documents marked:

<i>Exhibits</i>	<i>Documents</i>
P1	Death certificate of Malarkodi
P2	Legal heir certificate of Malarkodi
P3	PAN card of Malarkodi
P4	Aadhaar card of Malarkodi
P5	PAN card of first petitioner
P6	Aadhaar card of first petitioner
P7	PAN card of second petitioner
P8	Aadhaar card of second petitioner
P9	PAN card of third petitioner
P10	Aadhaar card of third petitioner
P11	Letter dated 02.05.2022 sent by the Regional Manager, SBI, RBO-1, Chennai Metro, Chennai North Zone to the petitioners
P12	List of contents in the safe deposit locker No.4/4 at Villivakkam Branch, SBI standing in the name of Malarkodi
P13	Communication sent by the Branch Manager, Villivakkam Branch, SBI dated 07.03.2022
P14	Affidavit of assets
P15	Paper publication dated 27.07.2023
P16	Paper publication dated 19.07.2023

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