



O.P.No.151 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **26.07.2023**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

O.P.No. 151 of 2022

Padmini Raghavan

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Petitioner

Original Petition is 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, 1956 to grant Letters of Administration to the property and credits of the deceased R.Malini to have effect throughout the State of Tamil Nadu.

For Petitioner : Mr.S.Janarthanam

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, 1956 to grant Letters of Administration to the property and credits of the deceased R.Malini to have effect throughout the State of Tamil Nadu.



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

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The petitioner is the sister of one R.Malini. The petitioner and the said R.Malini are the daughters of one Ramasamy who is the owner of the immovable assets described in the schedule of the petition. After the demise of the father, the petitioner and Malini have inherited the immovable assets of the father as described in the schedule. The movable assets (bank balance and mutual funds described in the schedule) belonged to R.Malini and she was operating and owing the same. The said R.Malini remained unmarried and died on 11.06.2021. Since R.Malini does not have any Class-I legal heirs and the petitioner, as Class II legal heir of R.Malini, has filed this petition seeking Letters of Administration.

3. The petitioner examined herself as P.W.1 and marked Exs.P1 to P12.

4. The death certificate of father S.Ramaswamy and the sister of the petitioner R.Malini are marked as Exs.P1 and P2 respectively. From the legal heirship certificate of S.Ramaswamy which is marked as Ex.P3 it is seen that the petitioner and the deceased R.Malini are the only legal heirs of their father. Ex.P4 is the sale deed executed in favour of S.Ramaswamy and Exs.P7 & P8 are the movable assets owned by Malini.



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5. Paper publication effected in one issue of Tamily daily “Makkal Kural” dated 09.11.2022 and in one issue of English daily “Trinity Mirror” dated 16.11.2022 attracted no objectors.

6. Since the deceased R.Malini died intestate by leaving behind the petitioner as her Class -II legal heir and petitioner had proved her claim with the relevant documents, there is no difficulty in granting Letters of Administration as requested by the petitioner.

7. Hence, this Original Petition is allowed by granting Letters of Administration to the petitioner to the property and credits of the deceased R.Malini as described in the Schedule. 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 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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APPENDIX

Petitioner's witness:

P.W.1 – Padmini Raghavan

Documents marked:

<i>Exhibits</i>	<i>Documents</i>
P1	Computer generated death certificate of Mr.S.Ramaswamy
P2	Computer generated death certificate of Mrs.R.Malini
P3	Photocopy of the legal heirs certificate of Mr.S.Ramaswamy (compared with the original)
P4	Photocopy of the sale deed dated 26.06.1976 executed in favour of Mr.S.Ramaswamy (compared with the original)
P5	Photocopy of the agreement for Joint Development dated 10.03.2003 between Mr.S.Ramaswamy and M/s.G.R.Natarajan & Co., (compared with the original)
P6	Photocopy of the death certificate of Mrs.Saroja (compared with the original)
P7	Photocopy of the Indian Bank Pass book bearing account No.458580228 in respect of Mrs.R.Malini (compared with the original)
P8	Computer generated statement of Franklin Templeton Fund Statement in respect of Mrs.R.Malini
P9	Computer generated statement of Franklin Templeton Fund Statement in respect of Mrs.R.Malini
P10	Affidavit of assets showing the net value of the estate as Rs.1,97,98,205/-
P11	Copy of paper publication effected in one issue of Tamil daily "Makkal Kural" dated 09.11.2022
P12	Copy of paper publication effected in one issue of English daily "Trinity Mirror" dated 16.11.2022

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