



O.P.No.753 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **08.08.2023**

CORAM:

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

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1. S.Krishnamurthy
2. V.Monica
3. Karthik Ganesh Ramamoorthy

... Petitioners

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 through out the State of Tamil Nadu to the petitioners.

For Petitioners : Ms.V.Radhai

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 petitioners.

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

The properties mentioned in the affidavit of assets were



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originally belong to one S.Suseela by virtue of the Sale deeds dated 27.08.1993, 15.12.1998 and 22.04.1999. The said S.Suseela died on 16.06.2021 and she remained unmarried. The first petitioner is the brother of the deceased S.Suseela, the 2nd petitioner is the sister's daughter of the deceased and the 3rd petitioner is the another sister's son of the deceased.

3. The 3rd petitioner Karthik Ganesh Ramamoorthy got examined himself as PW.1 and marked the following documents:-

<i>Exhibits</i>	<i>Documents</i>
P1	Computer generated copy of the death certificate of S.Suseela dated 26.06.2021.
P2	Computer generated copy of the death certificate of Sundari dated 28.03.2019.
P3	Computer generated copy of the death certificate of Sumathi dated 16.10.2015.
P4	Photocopy of the Aadhar Card of Krishnamurthy, 1 st petitioner. (Original is produced, compared and the original is returned to the petitioner's counsel.)
P5	Photocopy of the Aadhar Card of Monica, 2 nd petitioner. (Original is produced, compared and the original is returned to the petitioner's counsel.)
P6	Photocopy of the Aadhar Card of PW1. (Original is produced, compared and the original is returned to the petitioner's counsel.)
P7	Photocopy of the community certificate of S.Sumathi dated



Exhibits	Documents
	12.03.1975. (Original is produced, compared and the original is returned to the petitioner's counsel.)
P8	Photo copy of the Sale ded no.4189/1993 before the SRO, Sembium dated 27.08.1993. (Original is produced, compared and the original is returned to the petitioner's counsel.)
P9	Photocopy of the sale deed no.7684/1998 before the SRO, Sembium dated 15.12.1998. (Original is produced, compared and the original is returned to the petitioner's counsel.)
P10	Photocopy of the sale deed no.2643/1999. (Original is produced, compared and the original is returned to the petitioner's counsel.)
P11	Original Property tax of Raghavan Street
P12	Photocopy of the property tax of Marianayagam Street. (Original is produced, compared and the original is returned to the petitioner's counsel.)
P13	Photocopy of the property tax of Bunder Garden 1 st Street. (Original is produced, compared and the original is returned to the petitioner's counsel.)
P14	Computer generated copy of the encumbrance certificate in respect of schedule item I property dated 22.09.2022
P15	Computer generated copy of the encumbrance certificate in respect of schedule item II property dated 22.09.2022
P16	Computer generated copy of the encumbrance certificate in respect of schedule item III property dated 22.09.2022.

4. Ex.P2 & P3 would show that the sisters of the testator S.Suseela predeceased on 09.03.2019 and 29.09.2015. The deceased S.Suseela died intestate and the petitioners are alone the Class-II legal heirs.



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5. During the arguments, the learned counsel for the petitioners submitted that the Letters of Administration can be granted in favour of the 3rd petitioner, for which, the petitioners 1 and 2 have no objections.

6. With the evidence available on record, the petitioners were able to prove the genuineness of the Will. Having satisfied with the submission made by the learned counsel for the petitioners and appreciating the evidence on record, the petitioners are entitled to the reliefs as prayed for.

7. Accordingly, this Original Petition is allowed by granting Letters of Administration in favour of the 3rd petitioner. Such Letters of Administration shall have effect throughout the State of Tamilnadu. The 3rd 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 3rd 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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