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O.P.No.105 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **02.08.2023**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

O.P.No.105 of 2023

Ms.Shruthi Nirmal

... Petitioner

Vs.

Mr.K.Nirmal Kumar

.... Respondent

PRAYER : Original Petition is filed under Sections 218 & 278 of the Indian Succession Act, 1925 r/w. Order XXV, Rule 5 of Original Side Rules seeking for grant of Letters of Administration annexed of the property and credits of assets of the deceased late Mrs.D.Pugazhendhi, having effect limited to the State of Tamil Nadu.

For Petitioner : Mr.N.G.P.Rajaram

For Respondent : No appearance

ORDER

This Original Petition has been filed under Sections 218 & 278 of the Indian Succession Act, 1925 r/s Order XXV, Rule-5 of Original Side Rules



O.P.No.105 of 2023

seeking for grant of Letters of Administration annexed of the property and credits of assets of the deceased late Mrs.D.Pugazhendhi, having effect limited to the State of Tamil Nadu.

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

The mother of the petitioner by name D.Pugazhendhi had availed a locker facility with State Bank of India through her savings Bank Account No.30321565838, State Bank of India, Shenoy Nagar Branch, Chennai. The said Pugazhendhi died on 30.06.2017. The respondent is the husband of late Pugazhendhi and the father of the petitioner herein. The petitioner's mother was also working as Assistant Professor and even during the life time of the petitioner's mother, there was some misunderstanding between herself and the respondent and the respondent was not living with her. When the petitioner went and approached the Banker to release the jewels subsequent to the death of her mother, they insisted to produce Letters of Administration. As per the letter given by the Bank, the petition mentioned jewels are said to be in the locker maintained by the deceased Pugazhendhi. Hence, the petitioner has come forward with this petition.



3. The petitioner examined herself as P.W.1 and the following documents were marked as Exhibits P1 to P13.

<i>Exhibits</i>	<i>Documents</i>
P1	The photocopy of the petitioner's birth certificate.
P2	The computer generated death certificate of D.Pugazhendhi.
P3	The web copy of the order dated 09.03.2021 in W.P.Nos.1773 of 2021 and 1982 of 2022.
P4	The letter of disclaimer dated 09.08.2021 issued by Branch Manager, Shenoy Nagar Branch, State Bank of India.
P5	The Photocopy of the order of the RDO dated 29.06.2022.
P6	The computer generated legal heir certificate of D.Pugazhendhi.
P7	The office copy of the legal notice dated 15.09.2022.
P8	The original reply notice dated 10.10.2022 along with the copy of the Appraiser Certificate.
P9	The web copy of the order dated 01.03.2022 in W.P.No.4528 of 2022 and W.M.P.No.4660 of 2022.
P10	The photocopy of the petitioner's Aadhar Card.
P11	The affidavit of assets showing the net value of the assets at Rs.7,96,255/-.
P12	The copy of the paper publication effected in one issue of Tamil Daily "Makkal Kural" dated 22.06.2023.
P13	The paper publication effected in one issue of English Daily "Trinity Mirror" dated 30.06.2023.

4. The birth certificate of the petitioner was produced as Ex.P1 and that would show that she was born on 06.09.1997 to the deceased Pugazhendhi and the respondent. Ex.P2 is the death certificate of Pugazhendhi. The father of the petitioner who is the respondent herein also given a letter of disclaimer to the Bank by stating that he is not interested in



O.P.No.105 of 2023

the petition mentioned jewels and he has got not objection to deliver the jewels to the petitioner. The paper publication effected in one issue of Tamil Daily “Makkal Kural” dated 22.06.2023 and in one issue of English Daily “Trinity Mirror” dated 30.06.2023 did not attract any objectors. In fact the petitioner appears to have filed a Writ Petition in W.P.Nos.1773 of 2021 and 1982 of 2022 claiming death benefits of her mother and the same is also allowed.

5. Hence, this Original Petition is allowed by granting Letters of Administration annexed of the property and credits of assets of the deceased Mrs.D.Pugazhendhi to 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 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.

02.08.2023

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Index: Yes / No



O.P.No.105 of 2023

APPENDIX

Petitioner's witness:

P.W.1 – Ms.Shruthi Nirmal

Documents marked:

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