



O.P.No.754 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.09.2023

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

O.P.No. 754 of 2022

Bhuvaneswari.D

...

Petitioner

Vs.

1.D.Anandaraj

2.D.Punithavathi

...

Respondents

PRAYER: Original Petition filed for Letters of Administration under Section 218 & 278 of the Indian Succession Act, 1925 read with Order XXV Rule 5 of the Original Side Rules, 1956, prays that the letters of administration to the property and credits of the deceased to have effect throughout the whole of the State of Tamil Nadu may be granted to the petitioner.

For Petitioner : Mr.K.S.C.Sundara Vadhanam

For Respondents : Ms.K.Priya

ORDER

This petition has been filed for seeking the Letters of Administration in respect of the Will dated 08.05.2021 executed by one late D.Babu Rajendran.



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

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The properties originally belonged to one D.Shanbagam who is the elder sister of one D.Babu Rajendran. His sister had already settled the entire property through an absolute settlement in favour of D.Babu Rajendran by virtue of a registered settlement deed dated 19.03.2014. Thus D.Babu Rajendran was in enjoyment of the said property until his life time. He died intestate on 08.05.2021. He remained unmarried and he did not have any issues. His parents predeceased him. His father died on 20.12.1997 and his mother died on 23.05.2005. D.Shanabgam, sister of D.Babu Rajendran died on 28.01.2022 since D.Babu Rajendran remained unmarried and he did not have any issues, the petitioners and the respondents who are his sisters and brothers are the only surviving class II legal heirs of the deceased. Since D.Babu Rajendran died intestate, they are entitled to inherit the assets belonged to D.Babu Rajendran. Hence the petitioner has filed this petition seeking Letters of Administration in his favour.

3. The petitioner has examined as PW.1 and Ex.P1 to Ex.P6 were marked through him.

4. The respondents have given consent in favour of the petitioner and they are marked as Ex.R1 and Ex.R2. It seen from Ex.P1 and Ex.P2 death certificates that the father of the deceased by name C.M.Deekaraman died



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on 20.12.1997 and Jeyammal (mother) died on 23.05.2005. From Ex.P4, it is seen that D.Babu Rajendran died on 08.05.2021. Ex.P5 is the death certificate of one of the sisters of D.Babu Rajendran by name D.Shenbagam who died on 28.01.2022. Since the said D.Babu Rajendran died intestate, the petitioner and the respondents who are his second class legal heirs, are entitled to inherit the petition mentioned property among themselves equally. The respondents have given their consent affidavit in favour of the petitioner with oral evidence on record, the petitioner has proved his claim and hence, he is entitled to get the relief as prayed for.

5. Accordingly, this Original Petition is **allowed** by granting a Letter of Administration to the petitioner in respect of the petition mentioned property and credits of the deceased. The petitioner 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 petitioner is further directed to file an inventory of assets and a statement of accounts within a period of six months and one year, respectively.

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Internet :Yes/No

Speaking: Non speaking

Neutral:Yes/ No



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APPENDIX

Petitioner's witness:

P.W.1 – D.Bhuvaneswari

Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	The computer generated copy of the death certificate of C.M.Deeka Raman issued on 09.10.2022.
Ex.P2	The computer generated copy of the death certificate of Jayammal issued on 09.10.2022.
Ex.P3	The certified copy of the settlement deed in favour of Babu Rajendren dated 19.03.2014.
Ex.P4	The computer generated copy of the death certificate of Babu Rajendiran issued on 07.06.2021.
Ex.P5	The computer generated copy of the death certificate of Shanbagham issued on 15.02.2022.
Ex.P6	The photocopy of the Patta bearing No.C-404, 4 th street, Periyar Nagar, Chennai 600 082.(compared with original)

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R.N.MANJULA, J.
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