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O.P.No.277 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **14.07.2023**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

O.P.No. 277 of 2019

1. S.Sathish

2. Deepa

...

Petitioners

Vs.

Subadhra

...

Respondent

Original Petition is filed under Section 218 & 278 of the Indian Succession Act XXXIX of 1925 & Order XXV Rule 6 of O.S.Rules for grant of Letters of Administration annexed to the properties and credits of the deceased effect throughout the State of Tamil Nadu.

For Petitioners : Mr.Surya

For Respondent : No appearance

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-6 of Original Side Rules seeking for grant of Letters of Administration with the properties and credits annexed, to the petitioner having effect limited to the State of Tamil Nadu.



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

The properties described under schedule A & B are the movable and immovable assets owned by T.S.Balaraman. The said T.S.Balaraman remained as a bachelor and died on 08.02.2014 without any Class-I legal heirs. The parents of T.S.Balaraman predeceased him. The petitioners are the sister's children of T.S.Balaraman and hence they are his Class-II legal heirs. In the absence of any Class-I legal heirs, the petitioners have filed this petition seeking Letters of Administration to the annexed properties and credits of deceased T.S.Balaraman.

3. The second petitioner examined herself as P.W.1 and marked the following documents:

<i>Exhibits</i>	<i>Documents</i>
P1	Photocopy of the release deed dated 07.08.2012 executed in favour of T.S.Balaraman
P2	Photocopy of the sale deed dated 12.12.2013 executed in favour of Ayswarya Infrastructure
P3	Computer generated legal heir certificate of T.S.Balaraman
P4	Photocopy of the Indian Bank fixed deposit bearing A/c.No.6191215877 in respect of T.S.Balaraman
P5	Photocopy of the consolidated De mate Accounts Statement as on 30.11.2017 in respect of T.S.balaraman
P6	Affidavit showing the net value of estate as Rs.1,57,68,211/-
P7	Copy of the paper publication effected in one issue of Tamil daily "Makkal Kural" dated 24.12.2019



<i>Exhibits</i>	<i>Documents</i>
P8	Copy of the paper publication effected in one issue of English daily “Trinity Mirror” dated 31.12.2019.

4. 1/3rd of the immovable properties classified under Schedule 'B' is said to have been purchased by G.S.Balaraman by virtue of a sale deed dated 19.09.1988. It was a joint sale deed through which the 2/3rd share have purchased by one K.Rajagopalan and R.Bhavani and they have released their 2/3rd share in favour of T.S.Balaraman by virtue of a sale deed dated 07.08.2012 and out of which T.S.Balaraman has sold a portion of the said property in favour of Ayswarya Infrastructure through a sale deed dated 12.12.2013. The release deeds and the sale deeds have been marked as Ex.P1 and P2 and the death certificate of T.S.Balaraman is marked as Ex.P3. The said T.S.Balaraman had fixed deposits with Indian Bank which is marked as Ex.P4. He had also held shares in certain companies and the consolidated Demat accounts is produced as Ex.P5.

5. Paper Publication effected in one issue of Tamil daily “Makkal Kural” on 24.12.2019 and in one issue of English daily “Trinity Mirror” on 31.12.2019 did not attract any objectors.



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6. Since the petitioners are the Class-II legal heirs of the deceased T.S.Balaraman and the deceased died intestate, they are entitled for grant of Letters of Administration for the properties annexed thereto in the schedule.

7. Hence, this Original Petition is allowed by granting Letters of Administration to the petitioners with the properties and credits of the deceased T.S.Balaranam. Such Letters of Administration shall have effect throughout the State of Tamil Nadu. 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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Internet :Yes/No

Speaking: Non speaking

Neutral:Yes/ No



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APPENDIX

Petitioner's witness:

P.W.1 – Ms.S.Deepa

Documents marked:

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