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O.P.No.49 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **05.09.2023**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

O.P.No. 49 of 2019

Malini Ravindran

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Petitioner

Original Petition is filed under Section 218 & 278 of the Indian Succession Act, 1925 (Act XXXIX of 1925) read with Order XXV, Rule-5 of Original Side Rules, 1956 to grant Letters of Administration annexed to the property and credits of the deceased have effect throughout the State of Tamil Nadu, to the petitioner.

For Petitioner : Mr.C.Harsharaj

ORDER

This Original Petition has been filed under Section 218 & 278 of the Indian Succession Act, 1925 read with Order XXV Rule 5 of Original Side Rules to grant Letters of Administration without the Will, to the petitioner for the property and credits of the deceased having effect throughout the State of Tamil Nadu.



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

The petition mentioned property is said to be the ancestral property of the petitioner and her brother late V.S.Raganathan. The petition mentioned property was originally allotted to the father of the petitioner by name V.R.Srinivasan by virtue of a family partition entered into between himself and his parents and his deceased brother. The father of the petitioner died on 20.01.1971 and the mother of the petitioner died on 21.03.2000. The petitioner and her brother V.S.Ranaganathan were the only legal heirs of their parents. V.S.Ranganathan remained unmarried till his lifetime and he died on 23.06.2018. Since the petitioner is the only Class-II legal heir of the deceased V.S.Ranganathan, she is entitled to inherit the properties left behind her deceased brother. Hence the petitioner had filed this petition seeking Letters of Administration.

3. On the application filed by the petitioner to appoint Advocate Commissioner to examine the petitioner through the Advocate Commissioner, an Advocate Commissioner had been appointed and he had filed his report after examining the petitioner. During the examination of the petitioner through Advocate Commissioner, Exs.P1 to P12 were marked.



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4. From Ex.P2 and P3 it is seen that the parents of the petitioner died on 20.01.1971 and 21.03.2000. Ex.P4-legal heirship certificate would show that the petitioner and the deceased V.S.Ranganathan were the only legal heirs of the deceased parents. Ex.P6 is the death certificate of Ranganathan and it shows that Ranganathan died on 23.06.2018.

5. Paper publication issued in one issue of Tamil Daily “Dhinaboomi” and English daily “Virtual Times” did not attract any objectors.

6. Since Ranganathan died intestate and he also remained unmarried during his lifetime, the petitioner who is the Class-II legal heir of the deceased is entitled to inherit the property. The petitioner had proved her claim by producing relevant documents and hence she is entitled to the relief as prayed.

7. Hence, this Original Petition is allowed by granting Letters of Administration to the petitioner for the petition mentioned property. 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



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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 – Malini Ravindran

Documents marked:

<i>Exhibits</i>	<i>Documents</i>
P1	Original partition deed
P2	Death certificate of V.R.Srinivasan
P3	Death certificate of Lakshmi Sreenivasan
P4	Legal heirship certificate of V.R.Srinivasan
P5	Legal heirship certificate of Lakshmi Srinivasan
P6	Death certificate of V.S.Ranganathan
P7	Patta dated 16.06.1981 issued by the Tahsildar, Egmore Nungambakkam Taluk.
P8	Patta dated 25.01.2012 issued by the Tahsildar, Sholinganallur
P9	Patta dated 13.10.1983 issued by the Tahsildar, Egmore
P10	Legal heirship of V.S.Ranganathan
P11	Photocopy of patta No.27151
P12	Photocopy of patta No.27152

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