



O.P.No.172 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.09.2024

CORAM

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

O.P.No.172 of 2024

1. Prema Sridhar
2. Sundari Swaminathan
3. Aditya Naishadam
4. Shilpa Naishadam
5. Usha Venkatalakshmi
6. Nagamallika Nyshadam
7. Nyshadam Santhoshi Meghana ... Petitioners

PRAYER: Original Petition has been filed under under Section 218 and 278 of the Indian Succession Act, Act XXXIX of 1925 read with Order XXV Rule 5 of the Original Side Rules, praying that the Letters of Administration without Will to the properties and credits of the deceased may be granted to them as legal heirs of the deceased having effect throughout the State of Tamil Nadu.

For petitioners : Ms.D.Veda



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ORDER

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This Original Petition has been filed under Section 218 and 278 of the Indian Succession Act, Act XXXIX of 1925 read with Order XXV Rule 5 of the Original Side Rules, praying that the Letters of Administration without Will to the properties and credits of the deceased may be granted to them as legal heirs of the deceased having effect throughout the State of Tamil Nadu.

2. The learned counsel for the petitioners submitted that Mr.N. Venkatesan died on 1st July 2007 at St. Isabel Hospital, Luz Corner, Mylapore, Chennai 600 004. His ordinary place of residence was Seethamma No. 10/643, 46th Street, 9th Sector, K.K.Nagar, Chennai 600 078. The deceased, at the time of his death left an immovable property at No. 10/643, 46th Street, 9th Sector, K.K.Nagar, Chennai - 600 078 and did not leave any Will.

2.1. The deceased at the the time of his death left behind his wife, V. Rajalakshmi, one daughter Prema Sridhar and two sons V.Swaminathan and V.Lakshminarayanan. It is submitted that V.Rajalakshmi died on 26.07.2022. The daughter Prema Sridhar is the first Petitioner herein. One of the sons V.Swaminathan died on 26.01.2021 leaving behind his wife Sundari Swaminathan, one son, Aditya Nyshadam and one daughter Shilpa



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Nyshadam as his legal heirs, who are the petitioners 2 to 4 herein. The other son V. Lakshminarayanan died on 25.03.2019 leaving behind his wife Usha Venkatalakshmi, two daughters Nagamallika Nyshadam and Nyshadam Santhoshi Meghana as his legal heirs, who are the petitioners 5 to 7 herein. The petitioners submit that the parents of the deceased predeceased them and there are no other next of kin.

3. The learned counsel for the petitioners further submitted that they claim administration of the property, estate and credits as the surviving legal heirs of the deceased. As the daughter and legal heirs of the deceased's sons, the petitioners assert their entitlement to a share of the estate. They are filing this petition for letters of administration specifically concerning the immovable property described in the schedule, which falls within the jurisdiction of this Hon'ble Court.

4. It is further submitted that the petitioners undertake to provide a full and true inventory thereof and to exhibit the same in this court within six months from the date of the grant of Letters of Administration. Additionally, they will render to this court a true account of the said properties and credits within one year from the said date.



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5. The 1st petitioner is examined as P.W.1 and marked Exs.P1 to P14.

After perusing the affidavit of P.W.1 and considering the above facts, there is no impediment for granting the Letters of Administration, as all the legal heirs of the deceased N.Venkatesan are present.

6. Accordingly, this Original Petition stands allowed and Letters of Administration to be issued in accordance with rules. Such Letters of Administration shall have effect throughout the State of Tamilnadu. 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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Neutral Citation: Yes/No
Speaking order : Yes/No
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APPENDIX

Petitioner's witness:



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P.W.1 – Mrs.Prema Sridhar

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Documents marked:

<i>S.No</i>	<i>Particulars</i>	<i>Exhibits</i>
1	Computer generated death certificate of Mr.N.Venkatesan	P1
2	Photocopy of the legal heir ship certificate of Mr.N.Venkatesan (Compared with the original)	P2
3	Computer generated death certificate of Mrs.Rajalakshmi	P3
4	Computer generated copy of the application for the family tree submitted by Mrs.Prema Sridhar before the Revenue Inspector, attested by the advocate notary	P4
5	Computer generated death certificate of Mr.Venkatesan Swaminathan	P5
6	Photocopy of the affidavit sworn by the family members of Late. Mr.V.Swaminathan before the Metropolitan Magistrate and attested by the Magistrate (Compared with the original)	P6
7	Computer generated death certificate of Mr.V.Lakshminarayanan	P7
8	Computer generated surviving family members certificate of Mrs.Usha Venkatalakshmi	P8
9	Photocopy of the rectification deed dated 17.03.2022 between the Tamilnadu Housing Board and Mrs.Prema Sridhar (Compared with the original)	P9
10	Photocopy of the sale deed dated 28.10.1997 executed in favour of Mr.N.Venkatesan (Compared with the original)	P10
11	Affidavit of assets showing the net value of the estate as Rs.7,00,00,000/-	P11
12	Copy of the paper publication effected in one issue of	P12



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<i>S.No</i>	<i>Particulars</i>	<i>Exhibits</i>
	Tamil Daily “Makkal Kural” dated 07.07.2024	
13	Copy of the paper publication effected in one issue of English Daily “Trinity Mirror” dated 14.07.2024.	P13
14	Certificate under Section 65B of the Indian Evidence Act, 1872	P14

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