

**O.P. No.381 of 2023****N.SATHISH KUMAR, J.**

This Petition has been filed under Sections 218 and 278 of the Indian Succession Act read with Order XXV Rule 5 of the Original Side Rules, seeking to grant of Letters of Administration.

2. There is no representation for the petitioner. I have perused the entire materials placed on record.

3. This petition has been filed for grant of Letters Administration in respect of the estate of one Mr.A.N.Ponnumani. It is the case of the petitioner that he is the only surviving brother and Class II legal heir of the deceased Mr.A.N.Ponnumani. The deceased Mr.A.N.Ponnumani's parents pre-deceased him. The deceased died on 25.08.2020. The deceased married one Mrs.Komala, who died on 23.08.2020 and they had no issues. The deceased died intestate and though due and diligent search has been made for a Will, nothing has been found. There is no other kith or kin available than the petitioner. The amount of assets which is likely to come to the petitioner's hands does not exceed in the aggregate sum of Rs.19,03,586.69/-



and the net amount of the said assets after deducting all the items, which the petitioner is by law allowed to deduct is only of the value of Rs.18,83,586.69/-. The petitioner undertakes to duly administer the property and credits of the deceased Mr.A.N.Ponnumani and to make a full and true inventory thereof and exhibit the same to the Court within six months from the date of grant of Letters of Administration to the petitioner and also render a true account of the said property and credits within one year from the said date.

4. The petitioner has been examined as P.W.1. P.W.1 in her evidence had narrated the averments made in the petition stating that the petitioner has filed this petition for grant of Letters of Administration in respect of the estate of the deceased Mr.A.N.Ponnumani. Ex.P.1 is the computer generated death certificate of the deceased Mr.A.N.Ponnumani. Ex.P2 is the photocopy of the sale deed dated 06.09.1999 executed in favour of the deceased. Ex.P3 is the photocopy of the Indian Bank passbook bearing A/c.No.428514104 in respect of the deceased. Ex.P4 is the affidavit of assets showing the net value of the estate as Rs.18,83,586.69/-. Exs.P.5 & P.6 are the copy of paper publications, but none have objected for the same.



5. Considering the above documents which remains unchallenged and also despite the paper publications, no objections have been raised. Hence, this Court is of the view that the petitioner being the surviving brother and Class-II legal heir of the deceased is entitled for the issuance of Letters of Administration in his favour.

6. Accordingly, this petition is allowed. Issue Letters of Administration in favour of the petitioner. The petitioner is directed to duly administer the properties and credits of the deceased more fully described in the schedule. The petitioner is also directed to execute a security bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) in favour of the Assistant Registrar (O.S.II), High Court, Madras. The petitioner is further directed to render true and correct accounts once in a year.

18.01.2024

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