



O.P.No.440 of 2022

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**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 in respect of the estate of the deceased T.P.Viswanathan Nambiar and Mrs.Gowri Viswanathan .

2. This petition has been filed for grant of Letters Administration in respect of the estate of the deceased T.P.Viswanathan Nambiar and Mrs.Gowri Viswanathan. The petitioner is the sister of the deceased T.P.Viswanathan Nambiar and the respondent is his brother. The deceased T.P.Viswanathan Nambiar died on 15.06.2020 and Mrs.Gowri Viswanathan died on 22.06.2020. They died issueless. Hence, by virtue of Section 15[2][b] of Hindu Succession Act, 1956, the petitioner and the respondent being the brother and sister of late T.P.Viswanathan Nambiar are entitled to



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succeed the estate of T.P.Viswanathan Nambiar. The father and mother of the deceased Gowri Viswanathan namely Vasu Nair and Sarojini Amma predeceased her on 20.04.1990 and 01.02.2009 respectively. The parents of T.P.Visanathan Nambiar also predeceased him long back. There is no other legal heir to be impleaded in this petition. The deceased died intestate and though due and diligent search has been made for a Will, nothing has been found. The amount of assets which is likely to come to the petitioner's hands does not exceed in the aggregate sum of Rs.69,89,027/- 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.69,89,027/-. The petitioner undertakes to duly administer the property and credits of the deceased T.P.Viswanathan Nambiar and Mrs.Gowri Viswanathan 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.



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3. The petitioner has been examined as P.W.1 and Ex.P.1 to Ex.P.17 marked.

4. 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 favour of the petitioner in respect of the estate of the deceased T.P.Viswanathan Nambiar and Mrs.Gowri Viswanathan Ex.P.3 is the computer generated death certificate of T.P.Viswanathan Nambiar. Ex.P.3 has been filed to show that T.P.Viswanathan Nambiar died on 15.06.2020. Ex.P.4 is the computer generated death certificate of Gowri Viswanathan. Ex.P.4 shows that Gowri Viswanathan died on 22.06.2020. Ex.P.1, Ex.P.6 to 14 have been filed to show the assets in the name of the deceased T.P.Viswanathan Nambiar. Ex.P.15 is the affidavit of assets showing the net value of the estate as Rs.69,89,027/-. Ex.P.16 and Ex.P.17 are the paper publications, but none have objected for the same.



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5. In view of the above facts, I am of the view that the petitioner and the respondent have proved their claim and hence, the petitioner and the respondent are entitled for the issuance of Letters of Administration in their favour.

6. Accordingly, this petition is allowed. Issue Letters of Administration in favour of the petitioner and the respondent. The petitioner and the respondent are directed to duly administer the properties and credits of the deceased more fully described in the schedule. The petitioner and the respondent are 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 and the respondent are further directed to render true and correct accounts once in a year.

**09.01.2024**

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