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O.P.No.663 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **09.07.2024**

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

O.P. No. 663 of 2023

1.Varkha Surendra Kumar Varyani alias Geetha

2.Neha Kishore Bakthani alias Asha

... Petitioners

PRAYER: Original Petition filed under Sections 218 – 278 of the Indian Succession Act XXXIX of 1925, read with Order XXV Rule 5 of Original Side Rules to grant the petitioners Letters of Administration of the property and credits of the deceased to have effect throughout the whole of the State of Tamil Nadu.

For Petitioners : M/s.G.Pramila

ORDER

The petition has been filed seeking Letters of Administration without Will annexed relating to the estate of Haresh.M, brother of the two petitioners, who died intestate on 13.04.2019.



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2. It is stated that Haresh.M was the absolute owner of the property mentioned in the Schedule B to the petition which is at Flat No.4, Second Floor, Gokul Flats at Old Door No.174, New Door No.314, Lloyds Road, Royapettah, Chennai 600 014. It is also stated that their brother Haresh.M was also an absolute owner of the property in Schedule A which is situated at New Municipal Door No.92 (old no.26), Thiyagaraya Road, Pondi Bazaar, T.Nagar, Chennai 600 017. The petitioners, as Clause-II legal heirs, since their brother died intestate and also died as a bachelor, seeks letters of administration to deal with the property.

3. After following due procedure, the petitioners were directed to tender evidence. Accordingly, the 1st petitioner examined herself as P.W.1. The documents relating to the properties were marked as Exs.P1, P2, P6, P7, P8 and P9. The death certificate of her brother Haresh.M was marked as Ex.P13 and copy of the order of this Court in O.P.No.827 of



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2019 was marked as Ex.P15.

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4. Taking into consideration the evidence adduced and documents produced, this Original Petition stands allowed and Letters of Administration without Will annexed to be granted to the petitioners in accordance with rules. 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 and they 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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Index :Yes/No
gsa

APPENDIX

Petitioners' witness:

P.W.1 – Mrs.Varkha Surendra Kumar Varyani alias Geetha



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Documents marked:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Photocopy of the sale deed dated 24.11.1976 executed in favour of Mr.T.Mohandas (compared with the original).
Ex.P2	Photocopy of the sale deed dated 22.01.1992 executed in favour of Mrs.M.Bhagwanti Mohandas Thadani (compared with the original).
Ex.P3	Photocopy of the death certificate of Mrs.H.Bhagwanti (compared with the original).
Ex.P4	Photocopy of the death certificate of Mr.T.Mohandas (compared with the original).
Ex.P5	Photocopy of the legal heirship certificate of Mr.T.Mohandas (compared with the original).
Ex.P6	Photocopy of the release deed dated 30.04.2004 effected between Mrs.Geetha alias Varkha as the first party and Mr.M.Haresh as the second party (compared with the original).
Ex.P7	Photocopy of the release deed dated 30.04.2004 effected between Mrs.Geetha alias Varkha as the first party and Mr.M.Haresh as the second party (compared with the original).
Ex.P8	Photocopy of the release deed dated 27.10.2004 effected between Mrs.Asha alias Neha K.Bakthani as the first party



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<i>Exhibits</i>	<i>Documents</i>
	and Mr.M.Haresh as the second party (compared with the original).
Ex.P9	Photocopy of the release deed dated 27.10.2004 effected between Mrs.Asha alias Neha K.Bakthani as the first party and Mr.M.Haresh as the second party (compared with the original).
Ex.P10	Affidavit of assets showing the net value of the estate as Rs.1,93,80,000/-.
Ex.P11	Copy of the paper publication effected in one issue of Tamil Daily “Makkal Kural” dated 24.02.2024.
Ex.P12	Copy of the paper publication effected in one issue of English Daily “Trinity Mirror” dated 17.02.2024.
Ex.P13	Computer generated death certificate of Mr.M.Haresh.
Ex.P14	Photocopy of my passport bearing No.N5086895 (compared with original).
Ex.P15	Certified copy of the order dated 13.12.2021 in O.P.No.827 of 2019 passed by this Hon'ble High Court.
Ex.P16	Certificate filed by me under Section 65B of the Indian Evidence Act, 1872.

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C.V.KARTHIKEYAN,J.

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