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O.P.No.361 of 2023

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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 S.Maragathavalli .

2. This petition has been filed for grant of Letters Administration in respect of the estate of the deceased S.Maragathavalli. The petitioners are the sons and daughter of the elder sister of the deceased S.Maragathavalli. The deceased S.Maragathavalli died on 04.08.2020. The husband of the deceased predeceased her on 12.05.2020 and her son predeceased her on 06.04.2014 and her daughter-in-law also predeceased her on 10.06.2007. The petitioners are the Class II legal heirs of the deceased S.Maragathavalli. There is no other legal heir to be impleaded in this petition. The great grand father of the deceased and grand father of the petitioners had executed a



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registered Will on 15.09.1948 and the deceased inherited 50% share in the A schedule property after the demise of her father. 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 petitioners hands does not exceed in the aggregate sum of Rs.2,00,00,000/-/- and the net amount of the said assets after deducting all the items, which the petitioners are by law allowed to deduct is only of the value of Rs.2,00,00,000/-/-. The petitioners undertakes to duly administer the property and credits of the deceased S.Maragathavalli 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 petitioners and also render a true account of the said property and credits within one year from the said date.

3. The first petitioner has been examined as P.W.1 and Ex.P.1 to Ex.P.15 marked.



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4. P.W.1 in his evidence had narrated the averments made in the petition stating that the petitioners have filed this petition for grant of Letters of Administration in their favour in respect of the estate of the deceased S.Maragathavalli. Ex.P.1 is the certified copy of the Order of Probate along with the Will dated 15.09.1948. Ex.P.2 is the certified copy of the sale deed dated 15.07.2006 executed in favour of the deceased S.Maragathavalli. Ex.P.3 copy of the death certificate of Abirami, the daughter-in-law of the deceased. Ex.P.3 shows that the said Abirami died on 10.06.2007. Ex.P.4 is the computer generated death certificate of the husband of the deceased, K.V.Somasundaram. Ex.P.4 shows that the husband of the deceased died on 12.05.2020. Ex.P.5 is a copy of the death certificate of the son of the deceased, Srinivasan. Ex.P.5 shows that the son of the deceased died on 06.04.2014. Ex.P.8 is the computer generated death certificate of S.Maragathavalli. Ex.P.1 has been filed to show that S.Maragathavalli died on 04.08.2020. Ex.P.13 is the affidavit of assets showing the net value of the estate as Rs.2,00,00,000/-. Ex.P.14 and Ex.P.15 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 petitioners have proved their claim and hence, the petitioners 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 petitioners. The petitioners are directed to duly administer the properties and credits of the deceased more fully described in the schedule. The petitioners 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 petitioners are further directed to render true and correct accounts once in a year.

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