



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **30.07.2025**

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THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**

O.P.No.646 of 2024

- 1.Mr.J.Sivalingam
- 2.Mr.Govindasamy
- 3.Mrs.J.Rani
- 4.Mrs.Dhanalakshmi
- 5.Mrs.Amsa
- 6.Mrs.Padmavathi
- 7.Mrs.Komathi

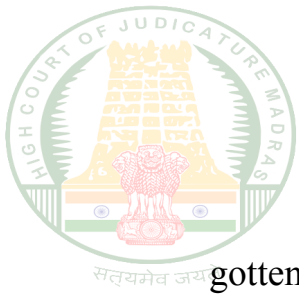
...Petitioners

PRAYER: Original Petition filed under Section 218 and 278 of Indian Succession Act and Order XXV Rule 5 of OS Rules for Letters of Administration without Will in respect of the immovable properties belonging to the deceased G.Balaraman under Part X of the Indian Succession Act, prays that Letters of Administration to the property and credits of the deceased to have effect throughout the limited to the State of Tamil Nadu may be granted to them.

For Petitioners : Mr.S.Sivapandi

ORDER

This Original Petition has been filed for issuance of Letters of Administration in respect of the properties of Mr.G.Balaraman, who died intestate on 01.11.2009. The petitioners 1 to 6 are the class-II legal heirs of the deceased.



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2. The petitioners submit that the deceased Late.Mr.G.Balaraman had gotten married to one Mrs.Susila but the couple did not have any issues out of their wedlock. The petitioners further submit that both the parents of the deceased had already predeceased. After his death on 01.11.2009 the above said deceased Late.Mr.Balaraman was survived by his wife Mrs.Susila as his immediate legal heir, who also died on 21.04.2024. The deceased had two brothers Mr.G.Elumalai and Mr.G.Jayaraman, out of them the younger brother Mr.G.Jayaraman had already predeceased on 01.09.2006 and the elder brother Mr.G.Elumalai had died on 23.05.2013. The petitioners submit that, the petitioners 1 to 3 are the legal heirs of Late.Mr.G.Jayaraman and the petitioners 4 to 7 are legal heirs of Late.Mr.G.Elumalai. The petitioners contend that the deceased Late.Mr.G.Balaraman did not have any immediate legal heirs other than his wife Late.Mrs.Susila and therefore as the legal heirs of his brothers, the petitioners are the only surviving legal heirs of the deceased. Hence the petitioners seek issuance of Letters of Administration in respect of the properties mentioned in the petition, which is situated within the jurisdiction of this court.

3. The first petitioner has been examined as PW1, he has produced 12 documents to support his deposition which are listed as Ex.P1 to Ex.P12 at the foot of the order. The computer generated copy of the death certificates of

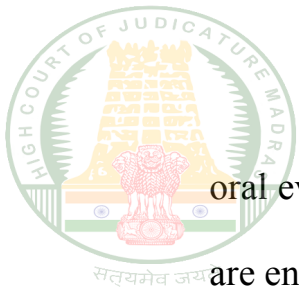


the deceased along with his brothers Late.Mr.G.Jayaraman and Late.G.Elumalai has been marked as Ex.P1, Ex.P6 and Ex.P3 respectively.

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The computer generated death certificate of the wife of the deceased has been marked as Ex.P2. The computer generated death certificate of the Mrs.Chellammal who is the wife Late.Mr.G.Elumalai has been marked as Ex.P5. The photocopy of the legal heirship certificates of Late.Mr.G.Elumalai and Late.Mr.G.Jayaraman has been marked as Ex.P4 and Ex.P7. From the combined perusal of Ex.P1, Ex.P6 and Ex.P3, it can be seen that the deceased and his brothers Late.Mr.G.Jayaraman and Late.G.Elumalai share the same father, whose name is 'Mr.Govindaraj' and the same name is consistently reflected in their respective death certificates, therefore this court considers the aforesaid assertion as an adequate evidence to prove that the deceased and Late.Mr.G.Jayaraman and Late.G.Elumalai are indeed brothers. The perusal of Ex.P4 proves that the petitioners 4 to 7 are the only legal heirs of Late.Mr.G.Elumalai. Similarly the perusal of Ex.P7 proves that the petitioners 1 to 3 are the legal heirs of Late.Mr.G.Jayaraman. The general paper publications have been effected which are marked as Ex.P11 and Ex.P12 and any objections have not been received.

4. The assertions in the petition have been duly proved by adducing



oral evidence supported by documents. In these circumstances, the petitioners are entitled to the relief.

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5. In view of the above mentioned facts, this Original Petition is ordered and Letters of Administration are granted in favour of the petitioners, in respect of the properties mentioned in the petition of the Late.Mr.G.Balaraman. 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.

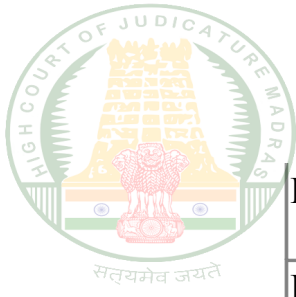
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Index :Yes/No

Petitioner's witness:
P.W.1 – Mr.J.Sivalingam

Documents exhibited by the petitioners:

Exhibits	Documents
Ex.P1	Computer generated copy of the death certificate of Mr.G.Balaraman issued on 24.01.2014.
Ex.P2	Computer generated copy of the death certificate of Mrs.Susila issued on 03.05.2024.
Ex.P3	Photocopy of the death certificate of Mr.G.Elumalai issued on 11.06.2013.



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Ex.P4	Photocopy of the legal heir certificate of Mr.G.Elumalai issued on 13.08.2013.
Ex.P5	Photocopy of the death certificate of Mrs.Chellammal issued on 15.12.2009.
Ex.P6	Photocopy of the death certificate of Mr.G.Jayaraman issued on 12.09.2006.(Original is produced, compared and returned to the petitioner's counsel)
Ex.P7	Photocopy of the legal heir certificate of Mr.G.Jayaraman dated 26.04.2018.(Original is produced, compared and returned to the petitioner's counsel)
Ex.P8	Photocopy of the sale deed dated 29.12.1999.(Original is produced, compared and returned to the petitioner's counsel)
Ex.P9	Computer generated copy of the patta dated 09.07.2024.
Ex.P10	Affidavit of assets showing the net value of Rs.39,80,000/-
Ex.P11	One issue of paper publication in Tamil Daily “Malai Murasu” dated 29.03.2025.
Ex.P12	One issue of paper publication in English Daily “Trinity Mirror” dated 05.04.2025.
	Affidavit under Section 65 B of Indian Evidence Act is filed for Exs.P1, P2 & P9.

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