



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.720 of 2023

1.M.Sivaprakasam (Deceased)

2.S.Papa

3.S.Selvakumar

4.S.Harikrishnan

(Petitioners 2 to 4, the legal heirs of Deceased petitioner are brought on record as per order in Appl 1952 of 2025 in O.P.720 of 2023 dated 24.04.2025)

...Petitioners

PRAYER: Original Petition filed under Section 218 and 278 of the Indian Succession Act, 1925 read with Under Order XXV, Rule 5 of O.S. Rules, praying to grant the Letters of Administration to the property and credits of the deceased M.Munusamy to have effect throughout the State of Tamil Nadu may be granted to him.

For Petitioners : Mr.K.Ramesh Kumar

ORDER

This Original Petition has been filed for issuance of Letters of Administration in respect of the property and credits of Mr.M.Munusamy, who died intestate on 17.09.2011.



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2. The first petitioner Mr.M.Sivaprakasam died on 02.12.2024 and consequently his legal heirs were brought on record as petitioners 2 to 4 *vide* order dated 24.04.2025 in the Applicant No.1952 of 2025. The petitioners submit that the deceased petitioner Late Mr.M.Sivaprakasam was the brother and the only legal heir of the deceased Late Mr.M.Munusamy, as the parents of the deceased had already predeceased him. Later the aforesaid deceased petitioner Late Mr.M.Sivaprakasam died on 02.12.2024, leaving behind the petitioners 2 to 4 as the legal heirs of his and the deceased. Therefore the petitioners seek issuance of Letters of Administration in respect of the property and credits mentioned in the schedule of the petition, which is situated within the jurisdiction of this court.

3. The fourth petitioner has been examined as PW1, he has produced 14 documents to support his deposition which are listed as Ex.P1 to Ex.P14 at the foot of the order. He had produced the computer generated death certificate of the deceased and the 1st petitioner has been marked as Ex.P7 and Ex.P9. The computer generated legal heirship certificate of the deceased 1st petitioner has been marked as Ex.P11. The relationship certificate of the deceased and the deceased petitioner has been marked as Ex.P8 and the perusal of the same unequivocally establishes that the deceased petitioner Late Mr.M.Sivaprakasam is indeed the brother of the deceased Late



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Mr.M.Munusamy. The due examination of Ex.P11 clearly proves that the petitioners 2 to 4 are the only legal heirs of the deceased 1st petitioner. The general paper publications have been effected which are marked as Ex.P13 and Ex.P14 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.

5. In view of the above mentioned facts, this Original Petition is ordered and Letters of Administration are granted in favour of the petitioners to have effect throughout the State of Tamil Nadu, in respect of the property and credits mentioned in the petition of the Late Mr.M.Munusamy. 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

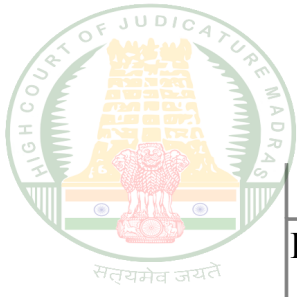


Petitioner's witness:

P.W.1 – Mr.Harikrishnan

Documents exhibited by the petitioners:

Exhibits	Documents
Ex.P1	Photocopy of the allotment cum sale agreement dated 12.12.2002. (Original is produced, compared and returned to the petitioner's counsel)
Ex.P2	Photocopy of the NOC issued by Tamil Nadu Secretariat Staff Co-operative Housing Society Ltd., dated 18.03.2004.(Original is produced, compared and returned to the petitioner's counsel)
Ex.P3	Photocopy of the letter by Tamil Nadu Secretariat Staff Co-Operative Housing Society Ltd., dated 17.12.2017.(Original is produced, compared and returned to the petitioner's counsel)
Ex.P4	Photocopy of the bank passbook issued by IOB which was opened on 21.12.1988.(Original is produced, compared and returned to the petitioner's counsel)
Ex.P5	Photocopy of the FD receipt issued by Corporation Bank, Vellore Branch dated 26.04.2004.
Ex.P6	Photocopy of the FD receipt issued by Corporation Bank, Vellore Branch dated 14.09.2004.
Ex.P7	Computer generated copy of the death certificate of M.Munusamy issued on 09.11.2011.
Ex.P8	Photocopy of the relationship certificate dated 04.04.2013.
Ex.P9	Photocopy of the Aadhar Card of the deceased 1 st petitioner.(Original is produced, compared and returned to the petitioner's counsel)
Ex.P10	Computer generated copy of the death certificate of the 1 st petitioner who died on 02.12.2024.
Ex.P11	Computer generated copy of the legal heir certificate of Mr.M.Sivaprakasam dated 05.01.2025.
Ex.P12	Affidavit of assets showing the net value of estate Rs.10,68,419.40/-
Ex.P13	One issue of paper publication in Tamil Daily “Makkal



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	Kural” dated 16.11.2024.
Ex.P14	One issue of paper publication in English Daily “Trinity Mirror” dated 23.11.2024.
	Affidavit under Section 65B of Indian Evidence Act is filed for Exs. P7, P10 & P11.

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K.KUMARESH BABU, J.

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