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O.P. No.664 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2025

CORAM :

THE HONOURABLE MR.JUSTICE P.DHANABAL

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1. K. Masilamani S/o. Mr. Kannappa Mudaliar
 2. M. Samundeeswari W/o. Late Mr. K. Manoharan
 3. M. Kannan S/o. Late Mr. K. Manoharan
 4. M. Pushparaj S/o. Late Mr. K. Manoharan
 5. M. Shalini D/o. Late Mr. K. Manoharan
- ... Petitioners

PRAYER: Original Petition is filed under Section 218 and 278 of the Indian Succession Act of 1925 read with Order XXV Rule 5 of the Original Side Rules praying to grant letters of Administration to the property and credits of the deceased Mr. K. Vadivel having effect throughout the State of Tamil Nadu.

For Petitioner : Mr.G. Balasubramanian

ORDER

This petition has been filed under Section 218 and 278 of the Indian



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Succession Act to grant Letters of Administration to the properties and credits

of the deceased having effect through out the State of Tamil Nadu.

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2. After filing of this petition, this Court directed the petitioner to effect paper publication in any one of the issue of Tamil Daily and also in English daily and the paper publication was also effected and thereafter no any objection from any party. Thereafter, the case was posted for recording evidence and the evidence also was recorded. On the side of the petitioner, PW1 and PW2 were examined and Ex.P.1 to Ex.P13 were marked.

3. According to the petitioners, the 1st petitioner is the son of one Kannappan Mudaliar. The 1st petitioner has two brothers namely Mr. K. Manoharan and Mr. K. Vadivel. The 2nd petitioner is the wife of said K. Manoharan and the petitioners 3 to 5 are the sons and daughter of the said K. Manoharan. The said Mr. K. Vadivel was unmarried and he does not have any Class-I legal heir. The partents of said K. Vadivel died on 13.12.1974 and

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28.04.1991 respectively. The said K. Vadivel was allotted a portion of land

situated at Door No.632, Rani Ammaiya Street, Periyar Nagar, Vyasarpadi,

Chennai measuring about 58 sq. meter (624.3 sq. ft) by Tamil Nadu Slum

Clearance Board vide allotment letter dated 26.04.1982 and the property

comes within the jurisdiction of this Court. Prior to the execution of sale deed

by Tamil Nadu Clearance Board, the said K. Vadivel died intestate on

18.11.2001. The another brother of K. Vadivel namely K. Manoharan died on

08.10.2005 leaving behind the petitioners 2 to 5 as his legal heirs to succeed

his estate. The said K. Vadivel is also unmarried. Therefore, apart from the

petitioners, there are no Class-II legal heirs for the said deceased K. Vadivel.

The petitioners are the only surviving legal heirs of the deceased K. Vadivel.

The petitioners, being the Class-II legal heirs of Mr. K. Vadivel, paid all the

sale consideration and other related payments to the Tamil Nadu Slum

Clearance Board and for which, the Board has also issued No Objection

Certificate vide letter dated 08.09.2009. Only if a registered Sale Deed is

executed in favour of the petitioners, they will become absolute owners of the

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said property, for which, letter of administration is required to them. The

value of assets does not exceed aggregating a sum of Rs.25,00,000/-.

Therefore the petitioners have filed this petition. The petitioners undertake to duly administer the property and credits of the said deceased Mr. K. Vadivel and to make a full and true inventory thereof and exhibit the same in this Court in six months from the grant of Letter of Administration to them and also to render to the true account of the said property and credits within one year from the said date.

4. PW1 is the 1st petitioner herein. PW2 Mrs. Umaparvathi and she has categorically deposed in support of evidence of PW1 and further stated that she has known the family of deceased K. Vadivel for over 35 years. She has also filed Proof affidavit in this regard. Therefore, the legal heirship are duly proved in accordance with law. There is no any rival claim against the claim of the petitioners. Therefore, the petitioners are entitled to the relief as prayed for in the petition.

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5. Therefore, this Original Petition is *allowed* and Letter of Administration, in respect of the property and credits of the deceased Mr. K. Vadivel in favour of the petitioners, is granted.

6. Issue Letters of Administration in favour of the petitioners. The petitioners are directed to duly administer the property and credits of the deceased more fully described in the schedule. The petitioners each are also directed to execute a **security bond** for a sum of **Rs.25,000/- each (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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Index : Yes/No

Speaking Order : Yes/No

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List of Petitioner side Witnesses:

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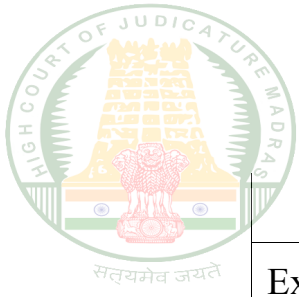
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PW1 : Mr.K. Masilamani S/o. Mr. Kannappan Mudaliar

PW2 : Mrs. Umaparvathi W/o. Late Mr. Mohan

List of Petitioner side Documents:

Exhibit No.	Date	Description of Documents.
Ex.P.1.	21.11.2001	Photocopy of the Death Certificate of Mr. K. Vadivel.
Ex.P.2	-	Photocopy of the Family Card of Mr. K. Vadivel.
Ex.P.3	04.12.2017	Photocopy of the Death Certificate of Mr.Kannappan Mudaliar.
Ex.P.4.	29.04.1991	Photocopy of the Cash Receipt issued by Corporation of Madras for Mrs. Kuppammal's burial.
Ex.P.5.	26.04.1982	Photocopy of the Allotment Letter issued by Tamil Nadu Slum Clearance Board.
Ex.P.6	08.09.2009	Photocopy of the No Objection Certificate issued by the Tamil Nadu Slum Clearance Board.
Ex.P.7	21.10.2005	Photocopy of the Death Certificate of Mr. Manohar.
Ex.P.8	20.08.2007	Photocopy of the Legal Heir Certificate of Mr. Manoharan.
Ex.P.9	-	Photocopy of the Aadhaar Card of the 1st petitioner.
Ex.P.10	-	Photocopy of the Aadhar Card of the 2nd



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		petitioner.
Ex.P.11	-	Photocopy of the Aadhar Card of the 3rd petitioner.
Ex.P.12.	-	Photocopy of the Aadhar Card of the 4th petitioner.
Ex.P.13	-	Photocopy of the Aadhar Card of the 4th petitioner.

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