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O.P.No.367 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **26.03.2025**

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

O.P.No.367 of 2024

1.Geetha Murthy
2.S.Swamynathan

...Petitioners

VS.

Meenakshi

...Respondent

PRAYER: Original Petition filed for Letters of Administration without Will under Section 218 and 278 of Indian Succession Act 1925 read with Order XXV Rule 5 of Original Side Rules, prays that a Letters of Administration to the property and credits of the deceased R.Sambamoorthy, specified in the schedule hereto, to have effect throughout the whole of Union of Inida may be granted in favour of the petitioners, by this Hon'ble Court and thus render justice.

For Petitioners : M/s.M.H.Anishia
For M/s.P.Raja

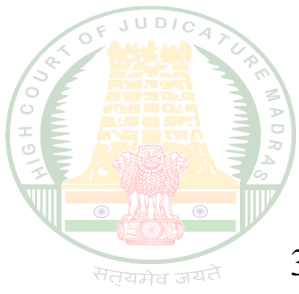
For Respondent : M/s.Elizabeth Ravi

**ORDER**

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This Original Petition has been filed for issuance of Letters of Administration in respect of the properties of late Late.Mr.R.Sambamoorthy, who died intestate on 05.05.2002. The petitioners and the respondent are the only surviving legal heirs of the testator. The petitioners seeks issuance of Letters of Administration in respect of the properties mentioned in the petition, which is situated within the jurisdiction of this court.

2. The petitioner has been examined as PW1. He has produced computer generated the death certificates of the deceased and Late.Mr.R.Swaminathan the father of the deceased as Ex.P5 and Ex.P3. The photocopy of legal heirship certificate of the deceased Late.Mr.Sambamoorthy compared with the original as Ex.P6. On perusal of the Ex.P6, it clearly shows that the petitioners and the respondent are the only surviving legal heirs of the deceased testator. The Photocopy of the release deed executed by Late.Mrs.Chokkammal in favour of the testator is marked as Ex.P7. The respondent who is also the daughter of the testator has filed her consent affidavit which is marked as Ex.P11. A paper publication has been made and any objections have not been received.



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3. 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.

4. 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.R.Sambamoorthy. The petitioner is 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.

26.03.2025

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Index :Yes/No

Petitioner's witness:

P.W.1 – Mr.S.Swamynathan



Documents exhibited by the petitioners:

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<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Photocopy of the extract from permanent register of Madras Taluk Office dated 26.03.1931. (Original is produced, compared and returned to the petitioner's counsel)
Ex.P2	Computer generated copy of the death certificate of Swaminathan Iyer died on 30.01.1958.
Ex.P3	Computer generated copy of the death certificate of R.Swaminathan died on 05.04.1976.
Ex.P4	Computer generated copy of the death certificate of S.Rajalaxmi died on 07.01.1980.
Ex.P5	Computer generated copy of the death certificate of Sambamoorthy died on 05.05.2002.
Ex.P6	Photocopy of the legal heir certificate of Mr.S.Ramamoorthy dated 10.06.2002 (Original is produced, compared and returned to the petitioner's counsel)
Ex.P7	Photocopy of the release deed executed by Chokkammal registered as Doc.No.5534/1960 dated 30.12.1960 (Original is produced, compared and returned to the petitioner's counsel)
Ex.P8	Computer generated copy of the extract from permanent land register of Taluk Office, Purasawalkam dated 02.09.2016.
Ex.P9	Computer generated copy of the property tax receipt dated 08.12.2022.
Ex.P10	Affidavit of assets wherein the net value of assets is Rs.2,59,80,000/-
Ex.P11	Consent affidavit of the respondent, Mrs.S.Meenakshi Sheshan.



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<i>Exhibits</i>	<i>Documents</i>
	Certificate under Section 65 B of Indian Evidence Act is filed for Exs.P2 to P5, P8 and P9.

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