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O.P.No.697 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **12.08.2025**

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

O.P.No.697 of 2024

1.R.Udhaya Kumar

2.M.Vijayakumari

3.S.Indumathi

...Petitioners

PRAAYER: Original Petition filed under Sections 218 and 278 of the Indian Succession Act and Order XXV, Rule 5 of the Original Side Rules of the High Court, Madras, praying to grant Letters of Administration to the property of the deceased K.Gomathi to have effect throughout the whole of the State of Tamil Nadu to the 1st petitioner.

For Petitioners : Ms.Subhalaxmi Samanta

ORDER

This Original Petition has been filed seeking issuance of Letters of Administration in respect of the estate of K. Gomathi, who died intestate on 05.02.2021, unmarried. The petitioners are the brother-in-law and sisters-in-law of the deceased's sister, Agalya. The parents and siblings of the deceased had



predeceased her. The deceased has left behind no surviving legal heirs other than the petitioners. The petitioners therefore seek issuance of Letters of Administration in respect of the properties described in the petition, which are situated within the jurisdiction of this Court.

2. The petitioners are before this Court for the letters of administration of the whole subject property. To substantiate their claim, the first petitioner has been examined as PW1 and marked the following documents,

a) The subject property originally belonged to the grandfather of the deceased. To establish his title, the sale deed executed in favour of the grandfather was produced as Ex.P1, and the registered Will dated 15.11.1961 executed by the grandfather was produced as Ex.P2. A perusal of Ex.P2 reveals that the grandfather created a life interest in favour of his wife, thereafter in favour of his elder daughter, then the younger daughter, and ultimately vested absolute ownership in the children of the younger daughter. In the event the younger daughter died issueless, the Will provided that the property would devolve absolutely upon the second daughter, Thulasi Ammal, who was the mother of the deceased. The death certificates of the grandparents of the deceased were marked as Ex.P3 and Ex.P4. The death certificates of the two daughters were marked as Ex.P8 and Ex.P10. The wife and both daughters of the grandfather predeceased

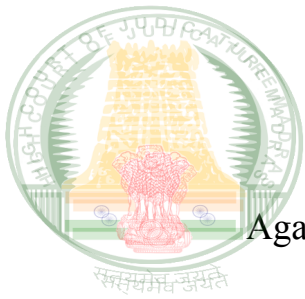


him. The younger daughter's husband also predeceased her, and she herself died issueless. Consequently, the property vested absolutely in the second daughter, Thulasi Ammal.

b)The death certificates of Thulasi Ammal and her husband were marked as Ex.P5 and Ex.P6. Upon the demise of Thulasi Ammal, the property devolved upon her husband and their children. The legal heirship certificate of the deceased's father, marked as Ex.P7, shows that he died leaving behind three sons and three daughters, including the deceased, K. Gomathi. Thus, the property devolved upon the children of Thulasi Ammal.

c)Among the six children, three sons remained bachelors, two daughters were unmarried, and only one daughter married but remained issueless. Out of these, two sons and one daughter died, and their death certificates were marked as Ex.P9, Ex.P11, and Ex.P14. The legal heirship certificate of the grandfather, marked as Ex.P12, establishes that the deceased and two other siblings were the surviving legal heirs of the grandfather. From the death certificates and legal heirship certificates produced, it is evident that only two daughters and one son, including the deceased, survived.

d)The three surviving legal heirs filed a probate petition in O.P.No.401 of 2016 before this Court. During its pendency, one of the sons of Thulasi Ammal died, and his death certificate was marked as Ex.P18. As he died a bachelor, probate was granted in favour of the deceased and her sister,



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Agalya, as the surviving legal heirs of their grandfather. The probate order was marked as Ex.P19. Consequently, the subject property vested in Agalya and Gomathi in equal half shares.

e) Agalya, sister of the deceased, thereafter executed a settlement deed in favour of her husband in respect of her half share, which was marked as Ex.P21. The property thus vested absolutely with Agalya's husband. Agalya's husband died on 05.12.2019, and his death certificate was marked as Ex.P22. On his demise, the property reverted to Agalya, being his Class-I legal heir. Agalya, however, died issueless, and her death certificate was marked as Ex.P24.

f) As per Section 15(2)(b) of the Hindu Succession Act, 1956, where a female dies issueless, the property inherited from her husband devolves upon the heirs of the husband. Since the parents of Agalya's husband had predeceased him (Ex.P15 and Ex.P16), the property devolved upon his siblings. The family card and legal heirship certificate of Agalya's father-in-law, marked as Ex.P13 and Ex.P17, confirm that the husband of Agalya and the petitioners are members of the same family and the surviving legal heirs of her father-in-law. Further, the order copy in O.S.No.2223 of 2022 marked as Ex.P28, where the petitioners are declared as legal heirs of Agalya's husband.

Accordingly, it is established that the petitioners, being the siblings of



Agalya's husband, are entitled to succeed to the undivided half share of the subject property which had vested in their predeceased brother. The second and third petitioners executed a release deed dated 15.02.2023 and the same was marked as Ex.P29 in respect of the undivided half share.

3. The petitioners 2 and 3 have filed consent affidavits in support of granting Letters of Administration in favour of the first petitioner, which have been marked as Ex.P34 and Ex.P35. A paper publication was also effected and marked as Ex.P36 and Ex.P37. No objections have been received from any person.

4. The remaining half undivided share of the subject property had vested in the deceased, K. Gomathi, who died unmarried on 05.02.2021. Her death certificate has been marked as Ex.P25. From the records, it is evident that the deceased left behind neither Class I nor Class II legal heirs. The learned counsel for the petitioners relied upon a judgment of the Apex Court in ***Dr.R.A.Venkatesan Vs D.Jenbagalakshmi*** reported in ***2012 (2) CTC 278*** and contend that when a person seeks letters of Administration, under Section 218 of Indian Succession Act, it is sufficient if the Applicant for letters of Administration alleges that there is a property to be distributed and that he is entitled to the whole or part of it. In such circumstances, in order to enable the petitioners to exercise their rights over their own undivided half share, this Court is of the considered



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view that it is just and necessary to grant Letters of Administration in favour of the first petitioner in respect of the entire property. Such an order would enable the petitioners to effectively deal with their undivided share in accordance with law.

5. The averments in the petition have been duly substantiated by oral evidence as well as the documents produced and marked. In the light of the above, this Court holds that the petitioners are entitled to the relief sought.

6. In view of the above mentioned facts, this Original Petition is ordered and Letters of Administration are granted in favour of the first petitioner, in respect of the property mentioned in the petition of the late.K.Gomathi. The first 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 first petitioner is 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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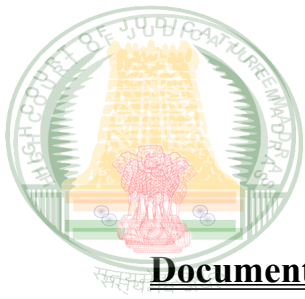
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Index :Yes/No

Petitioners' witness:

P.W.1 – Mr.R.Udhaya Kumar

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Documents exhibited by the petitioners:

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Exhibits	Documents
Ex.P1	Certified copy of the Sale deed Doc.No.2185/1930 dated 21.11.1930.
Ex.P2	Certified copy of Will executed by Mr.Doraiswamy Naidu dated 15.11.1961.
Ex.P3	Online copy of the Death Certificate of Mr.Doraiswamy Naidu dated 14.12.1961.
Ex.P4	Online copy of the Death Certificate of Mrs.Dhanammal dated 14.06.1972.
Ex.P5	Online copy of the Death Certificate of Mrs.Thulasiammal dated 15.04.1978.
Ex.P6	Online copy of the Death Certificate of Mr.R.N.Kannabiran dated 26.10.1980.
Ex.P7	Certified copy of Legal Heir Certificate of Mr.Kannabiran date 20.05.1981.
Ex.P8	Online copy of the Death Certificate of Mrs.Papammal dated 21.06.1982.
Ex.P9	Online copy of the Death Certificate of Mrs.Bhanumathy dated 18.10.1989.
Ex.P10	Online copy of the Death Certificate of Mrs.Kamallammal dated 25.06.1994.
Ex.P11	Online copy of the Death Certificate of Mr.K.Suryaprakash dated 03.03.1997.
Ex.P12	Certified copy of the Legal Heir Certificate issued by Zonal Deputy Tahsildar, Fort dated 18.03.2002.
Ex.P13	Certified copy of Family Card of Mr.Ramanujulu.
Ex.P14	Online copy of the Death Certificate of Mr.Sirnivasan dated 08.08.2006.
Ex.P15	Online copy of the Death Certificate of Mrs.Hemavathi dated 02.12.2010.
Ex.P16	Online copy of the Death Certificate of Mr.Ramanujulu dated 27.09.2011.



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Ex.P17	Certified copy of Legal Heir certificate of Mr.Ramanujulu dated 23.03.2015.
Ex.P18	Online copy of the Death Certificate of Mr.K.Chandrasekar dated 03.02.2017.
Ex.P19	Certified copy of the order in O.P.No.401 of 2016 passed by the Hon'ble High Court, Madras dated 05.12.2017.
Ex.P20	Certified copy of Aadhar card of Mr.Govindaraja Ramanujulu.
Ex.P21	Certified copy of Settlement Deed executed by Mrs.G.Agalya Doc.No.3062/2018 dated 17.12.2018.
Ex.P22	Online copy of the Death Certificate of Mr.Govindaraj Ramanujulu dated 05.12.2019.
Ex.P23	Certified copy of Aadhar card of Mrs.Agalya.
Ex.P24	Online copy of the Death Certificate of Mrs.G.Agalya dated 29.07.2020.
Ex.P25	Online copy of the Death Certificate of Mrs.K.Gomathi dated 05.02.2021.
Ex.P26	Certified copy of Letter by Mr.Udaya Kumar to Tahsildar, regarding issue of Legal Heir Certificate of Late Mr.Govindarajulu dated 10.12.2021.
Ex.P27	Certified copy of Order of Tahsildar dated 19.01.2022.
Ex.P28	Certified copy of order in O.S.No.2223 of 2022, passed by the XXII Assistant, City Civil Court, Chennai dated 15.12.2022.
Ex.P29	Certified copy of Release Deed executed by Mrs.M.Vijaya Kumari, 2.Mrs.S.Indumathi, in favour of Mr.R.Udaya Kumar Doc.No.1281/2023 dated 15.02.2023.
Ex.P30	Certified copy of Aadhar card of Mrs.Indumathi.
Ex.P31	Certified copy of Aadhar card of Mrs.M.Vijaya Kumari.
Ex.P32	Original Encumbrance Certificate from 01.01.1930 to 31.12.1974 dated 17.10.2023.
Ex.P33	Online copy of Encumbrance Certificate from 01.01.1975 to 17.10.2023 dated 20.10.2023.
Ex.P34	Original Consent affidavit of Mrs.Indhumathi dated December 2023.
Ex.P35	Original Consent affidavit of Mrs.Vijayakumari dated December 2023.
Ex.P36	Original Paper Publication in Makkal Kural dated 13.02.2025.



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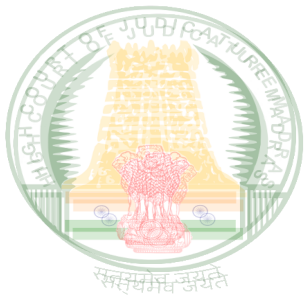
Ex.P37

Original Paper Publication in Trinity Mirror dated 21.02.2025.

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