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T.O.S.No.35 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-04-2026

CORAM

THE HON'BLE DR.JUSTICE A.D.MARIA CLETE

TOS No. 35 of 2024

1. K.Saratha

W/o.Late S.Kalyanasundaram, O.No.4, New
No.11, Sai Dham Flats, Flat S 1, Second Floor,
Baroda 1st Street, West Mambalam, Chennai -
600 033.

2. Meenakshi Thiagarajan

W/o.V.Thiagarajan, Flat A-704, Brent Wood,
House of Hiranandani, 5/63, Rajiv Gandhi Road,
Egattur, Chennai - 600 130.

..Petitioner(s)

Vs

1. G.Sakthi Sankaranagarajan

2. G.Harihararamarkrishnan

3. G.Ram Ganesh

All the above three respondents are sons of
Mr.K.V.Ganapathy and Late G.Geetha, Residing
at Old No.20, New No.62, Bucklepuram 2nd
Street, Tuticorin - 628 003.

..Respondent(s)

That this Hon'ble Court may be pleased to grant the Letter of
Administration annexed of the properties and credits of both the deceased 1 and 2
to have effect throughout the State of Tamil Nadu may be granted in favour of
Mrs.Meenakshi Thiagarajan, W/o.Mr.V.Thiagarajan, the second Petitioner in the

1/15



T.O.S.No.35 of 2024

above case Gross Amount Rs.2,10,03,697.98 and Net Amount Rs.2,10,03,697.98.
(OP.325 of 2023 converted into TOS.35 of 2024) TOS C/F of Rs.3,15,056/- paid on
25.04.2024 by e-C/F D.No.16225/2024.

For Petitioner(s): M/s.G.Munendran
E.Jayasankar
For Plaintiffs

For Respondent(s): M/s.V.Meenakshi Sundaram
A.Selva Nambi
R.Chinna Samy
A.Naveen Kumar
C.Murugappa
For Defendants
D1 To D3 - W/s Filed
Reply Statement Filed

JUDGMENT

This Testamentary Original Suit arises out of a petition filed under Sections 218 and 278 of the Indian Succession Act, 1925 seeking grant of Letters of Administration in respect of the estates of late S. Venkatasubramanian and his wife late S. Sumathi, both of whom admittedly died intestate. Upon caveat entered by the defendants, the Original Petition stood converted into the present suit.

2. The brief background of the case is as follows: The essential facts are not in controversy: Late S. Venkatasubramanian died on 06.05.2021. His wife,



T.O.S.No.35 of 2024

late S. Sumathi, survived him and died on 09.05.2021, within three days. The couple had no children. Both died intestate. The plaintiffs are the sisters of late S. Venkatasubramanian. The defendants are the descendants of the sister (Geetha) of late S. Sumathi.

3. The following issues arise for consideration:

(i) Whether the plaintiffs are entitled to grant the Letters of Administration ?

(ii) If so, to what extent and in respect of which properties?

4. The plaintiffs marked Exs.P1 to P53. These include the death certificates, marriage invitation, family card, Aadhaar and PAN cards of the deceased, two gift deeds of 1989, the registered partition deed dated 08.09.2016 as Ex. P11, the sale deed dated 08.09.2016 as Ex.P12, and the various bank, finance and post office deposits as Exs.P13 to P25. Exs.P26 to P38 relate to the identity and legal-heirship materials of the plaintiffs and supporting witnesses. Exs.P39 to P52 are correspondence with authorities and financial institutions. Ex. P53 is an unregistered confirmation deed of partition dated 13.05.2004, to which objection was raised by the defendants.



T.O.S.No.35 of 2024

WEB COPY

5. Devolution of Estate of Husband: On the death of late S. Venkatasubramanian, succession opened under Section 8 of the Hindu Succession Act, 1956. His widow, late S. Sumathi, being the sole Class I heir, inherited the entire estate. Even though she survived only for three days, the succession stood completed in law. By virtue of Section 14 of the said Act, the property vested in her as absolute owner. Thus, the estate of the husband merged with and became part of the estate of the wife.

6. Devolution of Estate of Wife: Upon the death of late S. Sumathi intestate and issueless, succession to her estate is governed by Section 15 of the Hindu Succession Act. The scheme is as follows:

1. Section 15(1)(b): Property devolves upon the heirs of the husband

2. Section 15(2)(a): Exception – property inherited from father/mother devolves upon heirs of father

Therefore, a distinction must be made between:

- (i) Property inherited from husband
- (ii) Property inherited from father
- (iii) Property independently acquired



T.O.S.No.35 of 2024

7. Analysis of Properties: Properties inherited from husband: The estate originally belonging to late S. Venkatasubramanian, which vested in late S. Sumathi, devolves under Section 15(1)(b) upon the heirs of the husband. The plaintiffs, being the sisters of the deceased husband, fall within that category and are entitled.

8. At this juncture, it becomes necessary to address the manner in which the present proceedings have been framed, namely, as a petition for grant of Letters of Administration in respect of the estates of both late S. Venkatasubramanian and late S. Sumathi.

9. On facts, it is clear that late S. Venkatasubramanian died intestate on 06.05.2021, and his wife late S. Sumathi survived him and died only on 09.05.2021. In law, succession to the estate of late S. Venkatasubramanian opened immediately upon his death and, in the absence of any other Class I heir, his widow late S. Sumathi succeeded to the entirety of his estate under Section 8 of the Hindu Succession Act, 1956. By operation of Section 14 of the said Act, the estate so inherited became her absolute property.

10. Therefore, the estate of late S. Venkatasubramanian did not remain as a distinct or independent estate capable of separate administration. It stood fully



T.O.S.No.35 of 2024

vested in late S. Sumathi and merged with her estate during her lifetime.

Consequently, upon her death, the entirety of the properties, including those inherited from her husband, formed part of her estate alone, and succession thereafter is governed by Section 15 of the Hindu Succession Act.

11. In such circumstances, strictly speaking, petition seeking Letters of Administration to the estate of late S. Venkatasubramanian is not warranted in law, as there was no subsisting estate of his requiring independent administration at the time of institution of the proceedings. The proper course would have been to seek Letters of Administration only in respect of the estate of late S. Sumathi, while tracing the origin of certain properties to her husband for the limited purpose of determining the line of succession.

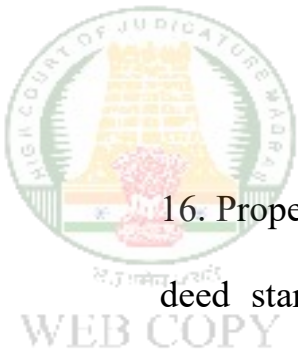
12. However, the present composite petition appears to have been framed for the purpose of tracing the source of title, particularly in respect of assets which originally stood in the name of late S. Venkatasubramanian. Such a procedural approach, though not strictly accurate in legal theory, does not, by itself, vitiate the proceedings, since the Court is ultimately concerned with identifying the true estate liable for administration and the persons entitled thereto.



13. Accordingly, this Court proceeds on the footing that the grant of Letters of Administration can be made only in respect of the estate of late S. Sumathi, which includes the properties inherited by her from late S. Venkatasubramanian, subject to the statutory scheme under Section 15 of the Hindu Succession Act.

14. Movable assets (bank deposits, financial assets, etc.):The plaintiffs have produced materials relating to several deposits and accounts. The defendants contended that these were inherited from the father of late S. Sumathi. However, no documentary proof was produced by the defendants. There is no material to show that these movables originated from paternal inheritance. In the absence of proof, such assets cannot be brought within Section 15(2)(a). Therefore, these movable assets form part of the general estate of late S. Sumathi. They devolve under Section 15(1)(b) and the Plaintiffs are entitled.

15. Property traceable to father (Partition Deed): The immovable property allotted to late S. Sumathi under a registered partition among heirs of her father is clearly traceable to paternal source. This squarely falls under: Section 15(2)(a). Therefore, such property devolves upon the heirs of her father. Defendants, being from that branch, are entitled and the Plaintiffs are not entitled to administration of this portion.



T.O.S.No.35 of 2024

16. Property acquired by purchase: A separate item acquired under a registered sale deed stands in the name of late S. Sumathi. Ex.P12 is the sale deed dated 08.09.2016 by which 1/5 undivided share in 97 sq.ft. of land meant for common passage was conveyed in favour of five persons, one of them being S. Sumathi. This was not property inherited by her from her father. It was property acquired by purchase under a registered sale deed. This is not inherited property not covered under Section 15(2)(a). Therefore it devolves under Section 15(1)(b) and the Plaintiffs are entitled

17. Under Section 218 of the Indian Succession Act, 1925, where a person dies intestate, administration shall be granted to persons entitled to the estate. In the present case, the plaintiffs are entitled to part of the estate, therefore a limited grant is appropriate. The plaintiffs are entitled to administration only in respect of those properties which devolve under Section 15(1)(b). They are not entitled in respect of properties governed by Section 15(2)(a).

18. The defendants also pleaded that the suit was not properly valued. No evidence or legal basis was placed before the Court to sustain that plea. The petition itself disclosed the value of assets as approximately Rs.2,10,03,697.98. The suit proceeded to trial after conversion from O.P. No.325 of 2023, and no material survives to non-suit the plaintiffs on valuation.

8/15



T.O.S.No.35 of 2024

WEB COPY

19. It is declared that upon the death of late S. Sumathi intestate and issueless, the properties inherited from her husband and her independently acquired properties devolve upon the heirs of her husband under Section 15(1)(b) of the Hindu Succession Act, 1956. The properties inherited from her father devolve upon the heirs of her father under Section 15(2)(a).

20. The plaintiffs sought that the grant be made in favour of the second plaintiff alone. Ex.P52 is the affidavit of the first plaintiff authorising the second plaintiff, Mrs. Meenakshi Thiagarajan, to be the administrator. Therefore there is no impediment to grant the Letters of Administration in her favour, subject to the limitations indicated above. Letters of Administration are granted in favour of the second plaintiff, Mrs. Meenakshi Thiagarajan, limited to the estate originally belonging to late S. Venkatasubramanian and inherited by late S. Sumathi; and self-acquired properties of S. Sumathi. For all the above reasons, the suit deserves to be decreed in part.

21. In the Result, the suit is partly decreed as follows:

(a) all movable assets more fully described in schedule S.No. 5 to 18 of the plaint.



T.O.S.No.35 of 2024

(b) the immovable property acquired by late S. Sumathi under the registered sale deed more fully described in schedule S.No.1,2,4 of the plaint. For these two items, petition is allowed.

(c) The grant shall not extend to the immovable property inherited by late S. Sumathi from her father under the partition arrangement more fully described in schedule S.No.3 of plaint. In respect of this item, petition is dismissed.

(d) The Registry shall issue Letters of Administration accordingly, to have effect throughout the State of Tamil Nadu; The petitioners are directed to execute a security bond for a sum of Rs.25,000/ (Rupees Twenty five Thousand only) each in the name of the Assistant Registrar (Original Side) of this Court. The petitioners shall file a full and true inventory of the estate within six months from the date of receipt of the Letters of Administration and shall render a true and proper account within one year thereafter.

(e) In the circumstances, there shall be no order as to costs. Consequently, connected applications, if any, stand closed.

15-04-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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T.O.S.No.35 of 2024

List of witnesses examined on the side of plaintiff(s):

PW1 – Mrs.K.Saradha

PW2 – Meenakshi Thiagarajan

List of witnesses examined on the side of defendant(s):

DW1- G.Harihara Ramakrishnan.

List of documents marked on the side of plaintiff(s):

S.No	Exhibits	Description
1	Ex.P.1	Computer generated copy of death certificate of S.Venkatasubramanian dated 07.06.2021
2	Ex.P.2	Computer generated copy of death certificate of Mrs.S.Sumathi dated 07.06.2021
3	Ex.P.3	Photocopy of the wedding invitation on the marriage of Mrs.&Mr.Sumathi Venkatasubramanian dated 27.01.1982
4	Ex.P.4	Photocopy of the family card No.28/W/0011811 of S.Venkatasubramanian and S.Sumathi
5	Ex.P.5	Photocopy of Aadhar Card of Late Sri.S.Venkatasubramanian.
6	Ex.P.6	Photocopy of Aadhar card of Late S.Sumathi
7	Ex.P.7	Photocopy of PAN Card of Late Sri.S.Venkatasubramanian.
8	Ex.P.8	Photocopy of PAN card of Late S.Sumathi
9	Ex.P.9	Photocopy of the Gift deed executed by father of S.Sumathi, Late V.Seetharamayyar in favour of S.Venkatasubramanian Doc.No.389/1989 dated 22.03.1989
10	Ex.P.10	Photocopy of the Gift deed executed by father of S.Sumathi, Late V.Seetharamayyar in favour of S.Venkatasubramanian Doc.No.425/1989 dated 03.04.1989
11	Ex.P.11	Photocopy of the partition deed dated 08.09.2016 registered as Doc.No.995/2016 dated 08.09.2016
12	Ex.P.12	Photocopy of the 1/5th share of UDS land for S.Sumathi vide sale deed executed by S.Venkatasubramanian Doc.No.996/2016 dated 08.09.2016
13	Ex.P.13	Photocopy of the sundaram finance ltd., Tuticorin Fixed Deposits

11/15



T.O.S.No.35 of 2024

in the joint names of S.Venkatasubramanian and Mrs.S.Sumathi (9 Nos) and Fixed Deposits in the joint names of Mrs.S.Sumathi and S.Venkatasubramanian (14 Nos)

14 Ex.P.14

Fixed & Cumulative deposits with M/s.Sundaram Home Finance Ltd., with the joint names of S.Venkatsubramanian and Mrs.S.Sumathi (5 Nos) and Fixed Deposits in the joint names of Mrs.S.Sumathi and S.Venkatasubramanian (9 Nos)

15 Ex.P.15

Photocopy of the Savings account & Fixed deposits of UCO Bank Ltd.,Mrs.S.Sumathi and S.Venkatasubramanian (5 Nos) and S.Venkatasubramanian and Mrs.S.Sumathi (2 Nos)

16 Ex.P.16

Photocopy of the saving bank account with State Bank of India, Tuticorin

17 Ex.P.17

Photocopy of the Savings account (2) Canara Bank Fixed deposits of Mrs.S.Sumathi and S.Venkatasubramanian (5 Nos) and S.Venkatasubramanian and Mrs.S.Sumathi (10 Nos)

18 Ex.P.18

Photocopy of the Tuticorin Head Post office, Thoothukudi term deposits in name of S.Sumathi and S.Venkatasubramanian (8 Nos) and S.Venkatasubramanian and S.Sumathi (8 Nos)

19 Ex.P.19

Photocopy of the TamilNadu Mercantile Bank Savings Bank A/c.174100050320087 of Mrs.S.Sumathi and S.Venkatasubramanian and fixed deposits of Mrs.S.Sumathi and S.Venkatasubramanian (7 Nos) and S.Venkatasubramanian and Mrs.S.Sumathi (7 Nos)

20 Ex.P.20

Photocopy of the TamilNadu Mercantile Bank Savings Bank and Fixed Deposits of Mrs.S.Sumathi and S.Venkatasubramanian (9 Nos) and S.Venkatasubramanian and Mrs.S.Sumathi (9 Nos)

21 Ex.P.21

Photocopy of Tuticorin Melur Co-operative Bank Passbook, E or S Fixed deposits accounts of S.Venkatsubramanian and Mrs.S.Sumathi (10 Nos) and Mrs.S.Sumathi and S.Venkatasubramanian (11 Nos)

22 Ex.P.22

Photocopy of Tuticorin Permanent Nidhi Ltd., Passbook, E or S Fixed deposits accounts of S.Venkatsubramanian and Mrs.S.Sumathi (10 Nos) and Mrs.S.Sumathi and S.Venkatasubramanian (12 Nos)

23 Ex.P.23

Photocopy of Karur Vysya Bank Passbook, E or S Fixed deposits accounts of S.Venkatsubramanian and Mrs.S.Sumathi (8 Nos) and Mrs.S.Sumathi and S.Venkatasubramanian (6 Nos)

24 Ex.P.24

Photocopy of M/s.Sakthi Finance Ltd, E or S Fixed deposits

12/15



T.O.S.No.35 of 2024

- 25 Ex.P.25 accounts of S.Venkatsubramanian and Mrs.S.Sumathi (7 Nos) and Mrs.S.Sumathi and S.Venkatasubramanian (8 Nos)
Photocopy of City Union Bank Passbook, E or S Fixed deposits accounts of S.Venkatsubramanian and Mrs.S.Sumathi (11 Nos) and Mrs.S.Sumathi and S.Venkatasubramanian (17 Nos)
- 26 Ex.P.26 Photocopy of the SSLC SI.No.025333 of Ms.S.Saratha dated 27.09.1965.
- 27 Ex.P.27 Photocopy of the Wedding invitation of Mrs.K.Saratha dated 03.05.1967
- 28 Ex.P.28 Photocopy of the SSLC SI.No.69906 of Mrs.Meenakshi Thiagarajan aka Gomathi Meenakshi
- 29 Ex.P.29 Photocopy of the Wedding invitation of Mrs.Meenakshi Thiagarajan indicating her Late father name and her late brother name dated 11.05.1987
- 30 Ex.P.30 Photocopy of Passport No.Z3878787 of Meenakshi Thiagarajan dated 11.07.2016.
- 31 Ex.P.31 Photocopy of Aadhar Card of Mrs.K.Saratha.
- 32 Ex.P.32 Photocopy of Aadhar card of Mrs.Meenakshi Thiagarajan.
- 33 Ex.P.33 Photocopy of PAN Card of K.Saratha
- 34 Ex.P.34 Photocopy of PAN Card of Mrs.Meenakshi Thiagarajan.
- 35 Ex.P.35 Original of affidavit of Mrs.K.Saratha claiming legal heirship by succession dated 07.07.2022
- 36 Ex.P.36 Original of affidavit of Mrs.Meenakshi Thiagarajan claiming legal heirship by succession dated 07.07.2022
- 37 Ex.P.37 Original of affidavit of Witness Mr.M.Hari Bala Subramanian, Chennai dated 25.07.2022
- 38 Ex.P.38 Original of affidavit of Witness Mr.S.Baskaran, Chengalpattu District dated 25.07.2022
- 39 Ex.P.39 Original of Letter sent by Mrs.Meenakshi Thiagarajan to the Collector of Tuticorin along with original postal receipts seeking succession certificate dated 25.07.2022
- 40 Ex.P.40 Original affidavit of Mrs.K.Saratha and Mrs.Meenakshi Thiagarajan authorising Mr.G.Munendran Advocate to represent them before statutory authorities dated 26.07.2022
- 41 Ex.P.41 Original of legal notice sent to financial institutions informing about the deaths of Mr.S.Venkatasubramanian and his wife Mrs.Sumathi S dated 14.08.2022
- 42 Ex.P.42 Photocopy of the email sent by plaintiffs counsel G.Munendran to



T.O.S.No.35 of 2024

- 43 Ex.P.43 the collector of Tuticorin dated 20.08.2022
Original of reply sent by Tamil Nadu mercantile Bank, South Branch, Tuticorin dated 22.08.2022
- 44 Ex.P.44 Original of reply sent by Tuticorin permanent nidhi Ltd., Tuticorin dated 22.08.2022
- 45 Ex.P.45 Original of reply from State Bank of India, Tuticorin dated 24.08.2022
- 46 Ex.P.46 Original of reply sent by M/s.Sundaram Finance Ltd., Chennai dated 26.08.2022
- 47 Ex.P.47 Original of reply from the office of the Collector of Tuticorin dated 30.08.2022
- 48 Ex.P.48 Original of reply sent by M/s.Sundaram Finance Ltd., Chennai dated 01.09.2022
- 49 Ex.P.49 Original letter sent by Meenakshi Thiagarajan to the Tahsildar of Tuticorin seeking succession certificate dated 12.09.2022
- 50 Ex.P.50 Photocopy of RTI application to the Public Information officer, Tuticorin District Collector office dated 13.09.2022
- 51 Ex.P.51 Original reply from the Public Information officer, Tuticorin on Plaintiff's RTI Application dated 21.09.2022
- 52 Ex.P.52 Original affidavit of Mrs.K.Saratha authorising Mrs.Meenakshi Thiagarajan, to be the Administrator under Letter of Administration dated 29.09.2022
- 53 Ex.P.53 Photocopy of the unregistered confirmation deed of partition executed among S.Saratha, G.Geetha and S.Sumathi dated 13.05.2004.

List of documents marked on the side of Defendant(s): Nil

15.04.2026

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T.O.S.No.35 of 2024

DR.A.D.MARIA CLETE, J.

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TOS No. 35 of 2024

15-04-2026