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OP No. 508 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-06-2026

CORAM

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

OP No. 508 of 2024

Dr.K.Kantharaj
S/o. Late P.Kasthuri Pillai,
No.19,1st Main Road,
Karpagam Gardens, Adyar,
Chennai 600 020.

..Petitioner

PRAYER: This Original Petition is filed under Section 218 & 278 of the Indian Succession Act read with Order XXV Rule 5 of Original Side Rules, to grant Letters of Administration to the petitioner for the estate of the deceased K.M.Shanmugam and Premalatha Shanmugam Limited to the State of Tamil Nadu.

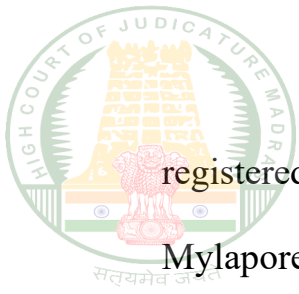
For Petitioner:

Mr.C.D.Sugumar

ORDER

This Original Petition has been filed by the petitioner, Dr. K. Kantharaj, seeking grant of Letters of Administration in respect of the estate of late K.M. Shanmugam and late Premalatha Shanmugam, who are stated to have died intestate.

2. The petitioner has stated that the schedule mentioned property originally belonged to late K.M. Shanmugam and late Premalatha Shanmugam, who had purchased the same under a registered sale deed dated 29.12.1989,



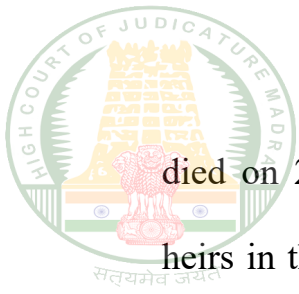
registered as Document No.16 of 1990 on the file of the Sub Registrar Office,
Mylapore, Chennai.

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3. It is stated that K.M. Shanmugam died on 28.11.2016 and Premalatha Shanmugam died on 11.10.2023 at Chennai. The deceased had two sons, namely K.S. Murugavel and K.S. Prabhukumar. K.S. Murugavel died unmarried on 18.09.2023. K.S. Prabhukumar predeceased them on 11.01.2008. Though K.S. Prabhukumar was married to Gowri Shankari, they had no issue till the death of K.S. Prabhukumar.

4. It is further stated that the said Gowri Shankari remarried one Srinivasan on 27.01.2010 and is living with her second husband and two children born through the second marriage. The petitioner has also stated that during the lifetime of Premalatha Shanmugam, a separate residential flat measuring 770 sq.ft. at Smruti Neeraja Flats, Door No.24, Narayana Chetty Street, Raja Annamalai Puram, Chennai, was settled in favour of Gowri Shankari under a registered settlement deed bearing Document No.117 of 2008, and that she was also given gold, silver jewels and personal belongings.

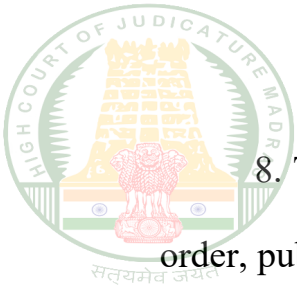
5. It is further stated that late Premalatha Shanmugam was the daughter of late P. Kasthuri Pillai and late K. Vijayammal, both of whom had predeceased her, P. Kasthuri Pillai having died on 02.05.1978 and K. Vijayammal having



died on 28.02.1971. The petitioner has also disclosed the other siblings/legal heirs in the branch of late Premalatha Shanmugam. Her elder brothers, namely K. Jeyaseelan, K. Rajaram and Dr. K. Rajendran, died on 03.09.2003, 08.02.2008 and 16.02.1993 respectively. Her elder sisters, namely S. Sulochana and D. Manorama, died on 28.01.2003 and 30.12.2013 respectively. Thus, except the petitioner, Dr. K. Kantharaj, who is stated to be the surviving elder brother of late Premalatha Shanmugam, there is no other surviving legal heir in the said branch to represent the estate of late Premalatha Shanmugam.

6. The petitioner has further stated that the parents of late K.M. Shanmugam predeceased him and that late K.M. Shanmugam had no next kith or kin to represent his estate. It is also stated that there are no other Class-II legal heirs available to inherit the estate of late K.M. Shanmugam and late Premalatha Shanmugam. The petitioner claims to be the surviving elder brother of late Premalatha Shanmugam and the only surviving legal representative competent to represent the estate of both the deceased intestates.

7. The petitioner has stated that diligent search was made for a Will, but no Will was found. Therefore, the deceased K.M. Shanmugam and Premalatha Shanmugam are treated as having died intestate.

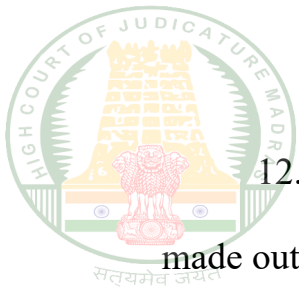


8. This Court had directed general paper publication. Pursuant to the said order, publication was effected in Tamil and English dailies. No caveat has been entered and no objection has been raised by any person claiming interest in the estate.

9. The petitioner was examined as PW1 before the learned Additional Master-II. His proof affidavit was filed and recorded. Ex.P1 to Ex.P18 were marked on the side of the petitioner. The documents include the sale deed relating to the schedule property, death certificates, settlement deed in favour of Gowri Shankari, family card, marriage invitation of Gowri Shankari, legal heirship certificate of K.M. Shanmugam, birth certificates, and paper publications.

10. The documents filed in support of the petition establish the death of the deceased persons, the relationship of the petitioner, the absence of other surviving legal heirs to represent the estate, and the entitlement of the petitioner to seek Letters of Administration.

11. The value of the estate has been shown as Rs.50,00,000/-. The petitioner has undertaken to administer the estate, file a true and full inventory within six months from the date of grant, and render true accounts within one year from the date of grant.



12. In view of the above, this Court is satisfied that the petitioner has made out a case for grant of Letters of Administration.

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13. Accordingly, this Original Petition is allowed. Letters of Administration shall be granted to the petitioner, Dr. K. Kantharaj, in respect of the estate of late K.M. Shanmugam and late Premalatha Shanmugam, limited to the State of Tamil Nadu, more fully described in the schedule to the petition. The petitioner shall execute a bond for a sum of Rs.25,000/- in favour of the Assistant Registrar, Original Side, High Court of Madras. The petitioner shall file a full and true inventory of the estate and credits of the deceased within six months from the date of grant. The petitioner shall render a true account of the estate and credits of the deceased within one year from the date of grant.

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

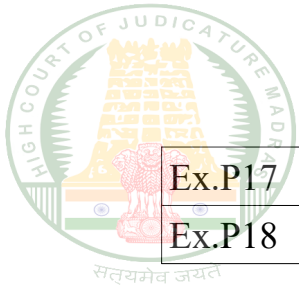
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**Petitioner's witness:**

P.W.1 – Dr.K.Kantharaj

Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Certified copy of sale deed pertaining to the schedule mentioned property dated 29.12.1989
Ex.P2	Photocopy of death certificate of K.Jayaseelan dated 05.09.2003
Ex.P3	Photocopy of death certificate of K.Rajaram dated 19.02.2008
Ex.P4	Certified copy of settlement deed executed by Premalatha in favour of Gowri Shankari dated 21.01.2008
Ex.P5	Photocopy of family card of the deceased K.M.Shanmugam dated 16.03.2009
Ex.P6	Photocopy of marriage invitation of Gowri Shankari dated 27.01.2010
Ex.P7	Photocopy of the death certificate of Prabhukumar dated 29.10.2013
Ex.P8	Photocopy of birth certificate of S.Keerthana, daughter of Gowri Shankari dated 11.03.2015
Ex.P9	Photocopy of death certificate of K.M.Shanmugam dated 19.12.2016
Ex.P10	Photocopy of legal heir certificate of K.M.Shanmugam dated 16.06.2017
Ex.P11	Photocopy of birth certificate of S.Kishore, son of Gowri Shankari dated 14.12.2022
Ex.P12	Death certificate of K.S.Murugavel dated 07.10.2023
Ex.P13	Death certificate of Premalatha Shanmugam dated 25.10.2023
Ex.P14	Death certificate of Dr.K.Rajendran dated 27.11.2023
Ex.P15	Death certificate of S.Sulochana dated 27.11.2023
Ex.P16	Death certificate of Manorama dated 30.12.2013



Ex.P17	Tamil Paper Publication
Ex.P18	English Paper Publication

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