

O.P.No.210 of 2015**K.RAVICHANDRABAABU, J.**

This Petition has been filed under Section 372 of the Indian Succession Act 1925 read with Order XXV Rule 6 of the Madras High Court Original Side Rules, seeking for grant of succession certificate to the petitioners.

2.Heard the learned counsel appearing for the petitioners.

3. It is the case of the petitioners that they are the brother and sister of the deceased E.Munusamy, respectively. The deceased E.Munusamy, died intestate on 09.02.2012 and he ordinarily resided at No.210, Jothiammal Nagar, IX Cross Street, T.P.Chathiram, Shenoy Nagar, Chennai-600 030 and he left debts specified in the schedule to the petition. The wife of the deceased Tmt.Rebacca died on 12.06.2005. The father and mother of the deceased E.Munusamy, died prior to the death of the deceased E.Munusamy. The deceased E.Munusamy and his wife, Rebacca had no issues. Though diligent search has been made for a Will, none has been found. The petitioners are Class-II legal heirs of the deceased and since the deceased E.Munusamy's father, mother and his wife predeceased, the petitioners are entitled to the estate of the deceased E.Munusamy. The succession certificate is required for

the purpose of claiming the debts due and payable to E.Munusamy by his employer service benefits. The assets in respect of which the succession certificate is required are of the value of Rs.2,34,300/-.

4.It is further stated that no application for a succession certificate in respect of any debt or security belonging to the estate of the said deceased has been made to any District Court or delegate or to any High Court or for probate of any Will of the said deceased and no Letters of Administration with or without the Will annexed to his properties and credits has been filed. Hence, the petitioners have approached this Court for grant of succession certificate with power to collect the debts and to receive the interest specified in the schedule to the petition.

5. The second petitioner has filed her consent affidavit stating that she has no objection for grant of Succession Certificate in favour of the first petitioner.

6. Paper publication was effected. None objected. Consequently, the matter was posted before the learned Master for recording evidence.

7.The first petitioner examined himself as P.W.1 and marked Exs.P.1 to P.6 viz.,

- Ex.P.1 - Computer generated death certificate of E.Munusamy,
who is the elder brother of the petitioners,
who died on 26.05.2012
- Ex.P.2 - Computer generated death certificate of the wife
of E.Munusamy, who died on 12.06.2005.
- Ex.P.3 - Photocopy of a letter dated 21.07.2014 sent by the Tahsildar,
Aminjukurai Taluk to Zonal Officer, Corporation of Chennai.
- Ex.P.4 - Photocopy of the letter dated 07.10.2014 addressed by
the petitioners' counsel regarding Death-cum-
Terminal benefits of E.Munusamy
(marked after comparing and verifying with original)
- Ex.P5 - Consent affidavit given by the 2nd petitioner
M.Muniammal, elder sister of the petitioner
expressing her no objection for grant of succession
certificate in favour of the petitioner in respect of
service benefits of the deceased E.Munusamy.
- Ex.P6 - Copy of paper publication effected in one issue of Tamil
Daily "Malai Sudar" dated 04.06.2015.

8. P.W.1 has further stated in his evidence that he has not filed any other petition before any other Court seeking for the same relief.

9. The first petitioner herein has filed additional proof affidavit on

29.9.2015 stating that his father late Esrail was having four children and the first one is the 2nd petitioner herein and the second one is his elder brother namely Late.Munusamy and he died on 9.2.2012 and the third one is late Mr.Chinna Munusamy @ Munusamy and he died on 26.05.2012 and the 1st petitioner is the last child of Late.Munusamy. Again P.W.1 was examined on 29.09.2015 and through him Ex.P7, the computer generated death certificate of his elder brother namely Munusamy who died on 9.2.2012 was marked as Ex.P7.

10. Considering the averments made in the petition and the oral and documentary evidence adduced by the petitioners, I am satisfied that the petitioners have succeeded the Estate of the deceased E.Munusamy. Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate in favour of the 1st petitioner with power to collect the debts and to receive the interest specified in the Schedule to the petition, is issued.

28.10.2015

vsi

K.RAVICHANDRABAABU,J.

Vsi

O.P.No.210 of 2015

28.10.2015