O.P.No.255 of 2015

K.RAVICHANDRABAABU, J.

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

2. It is the case of the petitioners that the wife of the 1st petitioner and the father of the 2nd petitioner one T.Namberumal died intestate on 25.03.2012 at Apollo Speciality Hospital, Teynampet, No.320 Mount Road, Chennai-35. The said deceased ordinarily resided at 109, Quintara Street, San Francisco, California-94116, U.S.A. and lastly resided at No.11/6, 15th Avenue, Harrington Road, Chetput, Chennai-31 and left debts specified in the schedule within the jurisdiction of this Court. Though due and diligent search has been made for a Will, but, none has been found. The deceased left the petitioners herein as only his legal heirs, entitled to succeed to his estate as per the Hindu Succession Act, 1956. The deceased has left Rs.10,17,000/- in the Savings Bank A/c.No.10098054118 in State Bank of India, Chetput Branch, Chennai-31 and Rs.10,00,000/- in the Term Deposit Receipt No.32199797442 in the same Branch. He has

left no other movables within the State of Tamil Nadu except as described in the schedule hereunder. The petitioners who are the Class I legal heirs, are entitled to a share of the estate of the deceased. Therefore, the Succession Certificate is required for the purpose of receiving the above said amounts lying in the State Bank of India, Chetput Branch, Chennai. 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. Hence, they have approached this Court for grant of succession certificate in the name of the petitioners with power to collect the debts and to receive the interest morefully specified in the schedule.

3. Paper Publication was effected and no one objected. Consequently, the matter was posted before the learned Master for recording evidence.

4. The Power of Attorney of the petitioners one Mr.R.V.Sundaram was examined as P.W.1 and marked Exs.P.1 to P.6 viz.,

Ex.P.1 is the Power of Attorney dated 23.04.2014 given by the 1st petitioner in favour of R.V.Sundaram;

Ex.P.2 is the Power of Attorney dated 31.03.2014 given by the 2nd petitioner;

Ex.P.3 is the computer generated copy of the death certificate of T.Namberumal, who died on 25.03.2012;

Ex.P.4 is the Renewed Term Deposit Receipt dated 26.03.2015;

Ex.P.5 is the photocopy of the State Bank Savings Pass Book bearing Account No.10098054118 in respect of T.Namberumal; and

Ex.P.6 is one copy of paper publication effected in one issue of Tamil Daily ''Malai Malar'' dated 17.06.2015.

He has further stated in his evidence that he has not filed any other petition before any other Court seeking the same relief.

5. Considering the averments made in the petition and the oral and documentary evidence adduced, I am satisfied that the petitioners have succeeded to the Estate of the deceased T.Namberumal. Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate to the petitioners with power to collect the debts and to receive the interest morefully specified in the schedule, is issued. The petitioners are directed to render accounts once a year.

tsi **27.07.2015**

K.RAVICHANDRABAABU, J.
tsi

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