

Original Petition No.771 of 2013**R.SUBBIAH, J**

Petition filed under Section 372 of Indian Succession Act read with Order XXV Rule 6 of Original Side Rules, to grant a succession certificate in favour of the first petitioner.

2. The case in brief is as follows:- The petitioners are the daughters and son of the deceased Govindarajulu @ Govindaraj @ Govindaraji. The said deceased died on 19.12.2005 and his wife, late Nagammal died on 27.07.2006. The deceased died intestate and despite due and diligent search made for locating any Will, none had been found. The deceased at the time of their deaths, had left the petitioners as their surviving next of kin.

3. The petitioners submit that their father late Govindarajulu @ Govindaraj @ Govindaraji, who was employed as Driver, St.No.2511 / 26, Vandavasi Depot, Tamil Nadu State Transport Corporation, died on 19.12.2005. Upon his death, the petitioners furnished legal heir certificate and Death certificate of late Govindarajulu @ Govindaraj @ Govindaraji to Tamil Nadu State Transport Corporation (Villupuram) Limited, Villupuram, claiming terminal and other benefits of their father. Tamil Nadu State Transport Corporation (Villupuram) Limited,

Villupuram, by letter, dated 09.06.2011 had intimated that all terminal benefits such as Family Pension, Provident Fund, Gratuity will be given to the legal heirs, if Succession Certificate issued by this Court, is furnished. The terminal benefits, such as Family pension, Provident Fund, Gratuity and other retirement benefits, including the salary for 18 days of the deceased and the present value of the above said benefits are valued at Rs.3,00,000/- (Rupees Three lakhs only). Hence, the present Original Petition has been filed by the petitioners for the issuance of Succession Certificate.

4. It is seen that the petitioners are the only legal heirs of the deceased. There is no impediment under Section 370 of the Indian Succession Act, 1925 to the grant of the certificate to the petitioners. The said assets in respect of which the Succession Certificate is required are of the value of Rs.3,00,000/-. No application has been made to any Court for probate of any will and no application for succession certificate in respect of any debt or security belonging to the estate of the said deceased has been made to any Court.

5. The first petitioner examined herself as P.W.1 and according to her, she is the sister of the petitioners 2 to 4. The first petitioner

has marked Exs.P.1 to P.10. Ex.P.1 is the original Death certificate of petitioners father, Govindarajulu @ Govindaraj @ Govindaraji, who died on 19.12.2005. Ex.P.2 is the original Death certificate of petitioners mother, Nagammal, who died on 27.07.2006. Ex.P.3 is the original Birth certificate of first petitioner's younger sister, Mangalakshmi, who is the third petitioner herein, born on 01.08.1958. Ex.P.4 is the original Birth certificate of first petitioner, who born on 05.02.1956. Ex.P.5 is the original Birth certificate of first petitioner's elder sister Tmt.Baby, who is the second petitioner, born on 02.03.1954. Ex.P.6 is the original letter, dated 27.11.2012 from Tamil Nadu State Transport Corporation, Villupuram, addressed to petitioner's counsel for obtaining Succession Certificate from competent Court of law.

6. Ex.P.7 is the original letter, dated 03.01.2013 from Tamil Nadu State Transport Corporation, Villupuram, addressed to first petitioner for obtaining Succession Certificate from competent Court of law. Ex.P.8 is the original Death certificate of petitioners paternal grandmother, Muniammal, who died on 26.12.2002. Ex.P.9 is the

R.SUBBIAH, J

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photocopy of the legal heirship certificate, dated 04.02.2009 in respect of the deceased father, Govindaraj @ Govindaraji. Ex.P.10 is the copy of the paper publication effected in one issue of Tamil Daily, Makkal Kural, dated 30.11.2013.

7. In view of the evidence of P.W.1 and the documents, the claim of the petitioners is duly proved and the application has to be ordered, and accordingly, the same is ordered as prayed for. Hence, the Registry is directed to issue Succession Certificate as prayed for as per the Rules.

06.01.2015

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O.P.No.771 of 2013