

ORIGINAL PETITION No.773 OF 2013

R.SUBBIAH, J.,

Petition filed under Section 372 of Indian Succession Act, 1925, r/w Order XXV Rule 6 of O.S.Rules, to grant a succession certificate in favour of the first petitioner.

2. The case, in brief, is as follows:- The deceased Rajasekaran died on 01.12.2008 at No.6E, 6th Floor, J.P. Towers, Nungambakkam, Chennai-600 034. The deceased Rajasekaran was ordinarily residing at Maruthi Eden 7th Jeyanthi Street, Block-B, F2, Dr.Seethapathi Nagar, Velacherry, Chennai-600 042 and left the property specified in the schedule to the petition within the jurisdiction of this Court. The deceased died intestate and that a due and diligent search has been made for a will but none has been found. At the time of his death, the deceased left the petitioners surviving as his only next-of-kin residing at Maruthi Eden 7th Jeyanthi Street, Block - B, F2, Dr.Seethapathi Nagar, Velacherry, Chennai-600 042. The father and mother of the deceased had predeceased the deceased. The petitioners as the wife and daughter of the deceased claim to be entitled to a share of the estate as class I heirs under Section 8 of Hindu Succession Act,1956. There is no impediment under Section 370 of the Indian

Succession Act,1925, or under any other provisions of this Act or any other enactment to the grant of the certificate or the validity thereof if it were granted. That the petitioners have truly set forth in the schedule to the petition the debts in respect of which the certificate is applied for. The Succession certificate is required for the purpose of the livelihood of the first petitioner, wife of the deceased. The said assets in respect which the succession certificate is required are of the value of Rs.18,03,783.70. No application has been made to any District Court or delegate or to any other High Court for the probate of any Will of the said deceased or letters of administration with or without the will annexed of his property and credits.

3. The second petitioner, who examined herself as P.W.1, reiterated the averments in the petition and filed the following documents as Exs.P-1 to P-4;

(a) Ex.P1 is the computer generated copy of the death certificate of S.Rajasekaran.

(b) Ex.P2 is the photocopy of the legalheirship certificate dated 16.07.2009.

(c) Ex.P3 is the computer generated copy of the statement holdings as on 22.03.2013 in respect of deceased

Rajasekaran.

(d) Ex.P4 is the copy of the paper publication effected in one issue of Tamil Daily Malai Malar dated 29.11.2013.

4. In view of the evidence of P.W.1 and the documents, the claim of the petitioners are duly proved and the application has to be ordered as prayed for.

Issue Succession Certificate in favour of the first petitioner to enable her to collect the debts of the deceased with interest specified in the Schedule. The first petitioner is directed to render an account once in a year.

23.01.2015

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Order in Original
Petition No.773 of 2013

23.01.2015