

O.P.No.689 of 2015**M.M.SUNDRESH, 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 petitioner.

2.Heard the learned counsel for the petitioner and the learned counsel for the respondents.

3.It is the case of the petitioner that Dhanpatlal Chordia died on 31.12.2011 at 907, Poonamallee High Road, Chennai – 84 and the deceased was ordinarily residing at the said address. The deceased died intestate and though due and diligent search has been made for a Will, none has been found. The deceased left the amount specified in the Schedule, within the jurisdiction of this Court. Petitioner is the wife of the deceased. Respondents 1 to 3 are the daughters and the fourth respondent is the son of the deceased respectively. The parents of the deceased predeceased him. The succession certificate is required for the purpose of collecting the debts. The assets in respect of which the succession certificate is required are of the value

of Rs.2,26,628/-. No application for a succession certificate has been made to any District Court or delegate or to any High Court. Hence, the petitioner has approached this Court for grant of succession certificate in her name with power to collect the debts and to receive the interest as specified in the schedule.

4.The petitioner examined herself as P.W.1 and marked Exs.P1 to P5 viz.,

Ex.P1 is the computer generated death certificate of the petitioner's husband Dhanpatlal Chordia, who died on 31.12.2011.

Ex.P2 is photocopy of legal heirship certificate dated 30.03.2012 in respect of the petitioner's husband Dhanpatlal Chordia.

Ex.P3 is the original letter from Chief Post Master, Chennai GPO, Chennai – 1.

Ex.P4 is the photocopy of the statement of accounts for the period 16.03.1993 to 31.03.2013 in respect of the outstanding balance in Account No.1033046 held by the petitioner's deceased husband Dhanpatlal Chordia at Sub Post Office, Sowcarpet, Chennai – 1.

Ex.P5 is one copy of paper publication effected in one issue of Tamil Daily Maalai Murasu dated 14.04.2016.

She has further stated in her evidence that she has not filed any other petition before any other Court seeking the same relief.

5.The respondents were examined as R.Ws.1 to 4 and they have also filed their consent affidavits, stating no objection for grant of succession certificate in favour of their mother viz., the petitioner. Exs.R1 to R4 are the consent affidavits filed by respondents 1 to 4.

6.Considering the averments made in the petition and the documents filed by the petitioner, I am satisfied that the petitioner has succeeded the Estate of the deceased Dhanpatlal Chordia. Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate to the petitioner with power to collect the debts and to receive the interest as specified in the schedule, is issued. The petitioner is directed to render account once in a year.

29.11.2016

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