

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Original side)

(TESTAMENTARY AND INTESTATE JURISDICTION)

THURSDAY, THE 11th DAY OF FEBRUARY 2016

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN

OP.NO.720 OF 2015

In the matter of the Indian
Succession Act XXXIX 1925
and

In the matter of certain
Debts belonging
M.V.Ramaseshan deceased
intestate.

1.M.V.Chellapillai
S/O.M.V.Krishnaswamy
Perumanently residing at No.5/5.
North mada Street,
Kancheepuram,631 501 and
Also temporarily residing at No.9/16
First Floor,Sarathy Kumaran Kudil
Kandappan Street
Triplicane,Chennai 600 005.

.....Petitioner

-Vs-

Mrs.N.S.Padmavathy
W/o.N.S.Vijayaragavan
No.48,Venkatchalachetty Street
Triplicane,Chennai 600 005.

....Respondents

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This Original Petition praying that this Hon'ble
Court be pleased to granted in favour of the petitioner
with power to collect the debt and to receive the
interest and thus render justice. Specified in the
shedule here under.

SCHEDULE

S.No.	Name of the Debtor	Amount of Debt with interest on date of application for certificate	Description and date of instrument if any, by which the Debt is secured
1	UCO Bank	50,00,000.00	01010310034767
2	UCO Bank	50,00,000.00	01010310035191
3	UCO Bank	50,00,000.00	01010310036402
4	UCO Bank	18,82,493.65	01010100010201
5	UCO Bank	20,03,106.50	01010310048498
6	UCO Bank	1,47,995.00	01010310049013
7	UCO Bank	1,47,829.00	01010310042144
8	UCO Bank	1660.94	07830110005347
9	UCO Bank	1104	01010100129418
10	UCO Bank	81,15,811.36	Consolidated
	Total	2,73,00,000.00	

This Original Petition coming on this day before this court for hearing the court made the following order:

This is an original petition filed under Section 372 of the Indian Succession Act praying for the grant of a succession certificate to collect the debts and liabilities shown in the schedule.

2. The petitioner is the brother of M.V.Ramaseshan, who died intestate on 13.8.2012. The wife, daughter and grandchildren of Thiru M.V.Ramaseshan pre-deceased him. His parents also predeceased him. The petitioner and the sole respondent are the sole surviving legal heirs of the

3. The debts and securities due to the estate of the deceased are shown in the schedule to the Original Petition. The petitioner and the respondent are entitled to collect the securities.

4. The petitioner has taken paper publication in "Malai Sudar" on 21.11.2015. So far no objection has been received from any one.

5. The petitioner was examined as P.W.1. The following documents were marked through him:-

Exhibits	Documents
Ex.P1	Computer generated copy of the death certificate of M.V.Ramaseshan, who died on 13.8.2012
Ex.P2	Original legal heir ship certificate of M.V.Ramaseshan dated 31.10.2012
Ex.P3	Letter dated 5.8.2015 issued by the Branch Manager, UCO Bank, Mylapore branch in respect of deposits standing in the name of deceased M.V.Ramaseshan
Ex.P4	Letter dated 23.4.2014 issued by the Chief Manager, UCO Bank, Chennai asking the petitioner to obtain Succession Certificate, in respect of deposits standing in the name of deceased M.V.Ramaseshan
Ex.P5	Copy of Paper Publication effected in Tamil Daily "Malai Sudar" dated 21.11.2015

6. Learned counsel for the respondent submitted that the respondent has no objection in issuing a Succession Certificate in favour of the petitioner with respect to his 50% share. The learned counsel wanted the name of the respondent also to be shown in the Succession Certificate. The respondent has already paid the duty payable towards 50% of share. The learned counsel for

the petitioner received a Demand Draft for a sum of Rs.4,09,500/- dated 11.2.2016 towards 50% of the duty due from the respondent.

7. Since there are no Class-I heirs to the deceased, the petitioner and the respondent are entitled to succeed to his estate.

8. There shall be a direction to issue a Succession Certificate in the name of the petitioner and the respondent, authorising them to collect the debts and securities liabilities shown in the Schedule to the Original Petition. The petitioner is entitled to 50% of the amount shown in the Schedule and the respondent is entitled to the remaining 50%.

The Original Petition is allowed as indicated above.

Sd/K.K.S.J
11.02.2016

//Certified to be a true copy//

Dated this the day of 2016

S.s/03.06.2016

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.