

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(TESTAMENTARY AND INTESTATE JURISDICTION)

DATED, THE 17th DAY OF FEBRUARY 2016

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

O.P.NO.755 OF 2015

In the matter of Indian
Succession Act XXXIX of 1925
and

In the matter of debts of
Mr.P.N.Babu & Hemavathy
(Deceased)

1.Sri V.Surya Prakasam,
S/o.C.A.Vedachalam,
25B, Bajanai Koil Street
Red Hills, Chennai 600 052

2.Smt. Janki Ammal,
W/o. Late Manickam Chettiar,
No.62, Chetty Street
Pondavakkam, Uthukottai Taluk 602 026
Thiruvalur District

3.Mrs.Raghunayaki,
W/o.Thiagarajan Chettiar,
No.2/209 Radhakrishnan Street
Madrapakkam, Gummidipoondi Taluk 601 202
Thiruvallur District

...Petitioners

This Original Petition praying that this Hon'ble
Court be pleased to issue a Succession Certificate to the
petitioners herein with power to collect the debts and to
receive the interest specified in the schedule hereto

schedule

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

This Original Petition is filed under Section 372 of the Indian Succession Act for issuing a Succession Certificate in the name of the petitioners authorising them to collect the debts and securities shown in the Schedule to the petition.

2. The first petitioner is the brother of Mrs.Hemavathy, who died intestate on 20.4.2014 at Chennai. The petitioners 2 and 3 are the sisters of Mr.P.N.Babu, who died intestate on 26.6.2015. The debts and securities due to the estate of Mr.P.N.Babu and Mrs.B.Hemavathy are shown in the schedule to the Original Petition. The petitioners seek a Succession Certificate so as to enable them to collect the debts and securities.

3. The petitioners have taken paper publication in "Malai Sudar" on 28.11.2015. So far no objection has been received from any one.

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

Exhibits	Documents
Ex.P1	Original Death Certificate of Hemavathy, who died on 20.4.2014
Ex.P2	Original Death Certificate of P.N.Babu, who died on 26.6.2015
Ex.P3 (Series 6 sheets)	Photocopies of Fixed Deposit Receipts with Chennai Central Cooperative Bank Limited bearing Receipt Nos.770905, 477570, 477569, 771008 and one Fixed Deposit Receipt with Repco Bank bearing Receipt No.A299304 and photocpy of first page of Bank Passbook standing in the name of P.N.Babu and Hemavathy bearing Account No.224030087
Ex.P4	Consent affidavit of second petitioner Janaki Ammal
Ex.P5	Consent affidavit of third petitioner Raghunayaki
Ex.P6	Copy of Paper Publication effected in Tamil Daily "Malai Sudar" dated 28.11.2015

5. The petitioners 2 and 3 have given their consent for issuing a Succession Certificate in the name of the first petitioner.

6. The factual matrix indicates that Mrs.Hemavathy died on 20.4.2014 and thereafter only her husband died. The parties are governed by Hindu Succession Act. The first petitioner is not entitled to succeed to the estate of Mrs.Hemavathy on account of the fact that she died even before the death of her husband. I am therefore of the view that the first petitioner is not entitled to a succession certificate.

7. The petitioners 2 and 3 are the legal heirs of

Thiru.P.N.Babu. The property of Mrs.Hemavathy devolves on Mr.P.N.Babu and only after devolution, her husband died. The petitioners 2 and 3 are therefore entitled to succeed.

8. There shall be a direction to issue a Succession Certificate in the name of the petitioners 2 and 3 authorising them to collect the debts and securities shown in the schedule to the Original Petition.

The Original Petition is allowed as indicated above.

sd/.K.K.S.J

17.02.2016

//Certified to be a true copy//

Dated this the day of 2016.

R.s/21.12.2016

सत्यमेव जयते

COURT OFFICER

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

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