

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

FRIDAY, THE 5TH DAY OF AUGUST 2016

THE HON'BLE MR. JUSTICE M.M.SUNDRESH

O.P.NO.808 OF 2015

In the matter of Indian
Succession Act XXXIX of 1925
and

In the matter of Debts and
Securities of R.Padmalochna
Ammal Intestate Deceased

1.R.Sathyabama,

2.V.P.Radhakrishnan (Deceased)

3. R.Rajeswari

* The 1st and 3rd Petitioners are the Lr's of the 2nd
Petitioner (deceased)

Amended as per order dated 21.06.2016 on memo filed and
recorded on 21.06.2016

...Petitioners

This Original Petition praying that this Hon'ble
Court be that a Succession Certificate may be granted to
the 1st petitioner with the power to collect the debts and
to receive the interest and dividends on and negotiate and
transfer the securities as 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 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 petitioners.

2.It is the case of the petitioners that the deceased R.Padmalocahana died on 26.10.2011 at No.24, Bazaar Street, Namakkal - 637 001. The deceased was ordinarily residing at the said address and left her property as specified in the schedule, which is within the jurisdiction of this Court. The deceased died intestate and though due and diligent search has been made for a Will, none has been found. The first petitioner, who is the daughter of the deceased R.Padmalochana Ammal, claims to be entitled to the property of the deceased. The 2nd and 3rd petitioners, who are the father and the daughter of the deceased R.Padmalochana, have also filed their consent affidavits before this Court for issuance of the succession certificate in favour of the petitioner. During the pendency of this Original Petition, the 2nd petitioner died. The succession certificate is required for the first petitioner for the purpose of claiming the share amount from the Lakshmi Vilas Bank Ltd. The assets in respect of which the succession certificate is required are of the value of Rs.44,726/-. No application

for a succession certificate in respect of any debt or security belonging to the estate of the said deceased has been made to any District Court or delegate or to any High Court. Hence, the petitioners have approached this Court for grant of succession certificate in favour of the 1st petitioner with power to collect the debts and to receive the interest specified in the schedule.

3.The third petitioner, namely, Mrs.R.Rajeswari, examined herself as P.W.2 and in her evidence, she stated that she has no objection for grant of succession certificate in favour of the 1st petitioner.

4. The first petitioner, namely, Mrs.R.Sathyabama, examined herself as P.W.1 and marked Exs.P1 to P22 viz.,

Ex.P1 is the original death certificate of the first petitioner's deceased mother R.Padmalochana, who died on 26.10.2011. Ex.P2 is the original death certificate of the first petitioner's deceased father V.P.Radhakrishnan, who died on 10.01.2016. Ex.P3 is the original legal heir ship certificate of the first petitioner's deceased mother Padmalochana. Ex.P4 is the photocopy of the letter issued by Integrated Enterprises India Limited dated 24.01.2012 in respect of the Transmission of Shares standing in the name of the first petitioner's deceased mother. Ex.P5 is the photocopy of the share certificate of Lakshmi Vilas Bank

Limited in the name of the first petitioner's deceased mother bearing Certificate No.00104822. Ex.P6 is the photocopy of the share certificate of Lakshmi Vilas Bank Limited in the name of the first petitioner's deceased mother bearing Certificate No.00104821. Ex.P7 is the photocopy of the share certificate of Lakshmi Vilas Bank Limited in the name of the first petitioner's deceased mother bearing R.No.459. Ex.P8 is the photocopy of the share certificate of Lakshmi Vilas Bank Limited in the name of the first petitioner's deceased mother bearing Certificate No.A/60 0008. Ex.P9 is the photocopy of the share certificate of Lakshmi Vilas Bank Limited in the name of the first petitioner's deceased mother bearing Certificate No.A/60 0454. Ex.P10 is the photocopy of the share certificate of Lakshmi Vilas Bank Limited in the name of the first petitioner's deceased mother bearing Certificate No.B/74 2002. Ex.P11 is the photocopy of the share certificate of Lakshmi Vilas Bank Limited in the name of the first petitioner's mother bearing Certificate No.00021001. Ex.P12 is the photocopy of the share certificate of Lakshmi Vilas Bank Limited in the name of the first petitioner's deceased mother bearing Certificate No.190922. Ex.P13 is the photocopy of the share certificate of Lakshmi Vilas Bank Limited in the name of the first petitioner's deceased mother bearing Certificate No.220965. Ex.P14 is the photocopy of the share

certificate of Lakshmi Vilas Bank Limited in the name of the first petitioner's deceased mother bearing Certificate No.241179. Ex.P15 is the photocopy of the share certificate of Lakshmi Vilas Bank Limited in the name of the first petitioner's deceased mother bearing R.No.325/828. Ex.P16 is the photocopy of the share certificate of Lakshmi Vilas Bank Limited in the name of the first petitioner's deceased mother bearing R.No.200/707. Ex.P17 is the photocopy of the share certificate of Lakshmi Vilas Bank Limited in the name of the first petitioner's deceased mother bearing Certificate No.198666. Ex.P18 is the photocopy of the share certificate of Lakshmi Vilas Bank Limited in the name of the first petitioner's deceased mother bearing Certificate No.00034001. Ex.P19 is the photocopy of the share certificate of Lakshmi Vilas Bank Limited in the name of the first petitioner's deceased mother bearing Certificate No.00061015. Ex.P20 is the photocopy of the share certificate of Lakshmi Vilas Bank Limited in the name of the first petitioner's deceased mother bearing Certificate No.00061016. Ex.P21 is the photocopy of the share certificate of Lakshmi Vilas Bank Limited in the name of the first petitioner's deceased mother bearing Certificate No.00104820. Ex.P22 is a copy of paper publication effected in one issue of Tamil Daily "Makkal Kural" dated

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

4.Considering the averments made in the petition and the documents filed by P.W.1, I am satisfied that the first petitioner has succeeded the Estate of the deceased R.Padmalochna Ammal. Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate to the first petitioner with power to collect the debts and to receive the interest specified in the schedule, is issued. The first petitioner is directed to render account once in a year.

Sd/ M.M.S.J
05.08.2016

//Certified to be a true copy//

Dated this the day of 2016

R.s/29.12.2016

COURT OFFICER

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