

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(TESTAMENTARY AND INTESTATE JURISDICTION)

TUESDAY, THE 22ND DAY OF SEPTEMBER 2016

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

O.P.NO.993 OF 2015

In the matter of the Indian
Succession Act XXXIX of 1925
and In the matter of Deposits
belonging to S.MAGALINGAM
V.SUPPIAH died intestate on
08.11.2012

Mrs. Lalitha,
A/P.Saminatha Pather,
residing at
No.343, Taman Sejati 2,
32000 Sitiawan, Perak,
Malaysia

..Petitioner

-vs-

1.Mr.Kanthan,
A/L.Magalingam
residing at
No.343, Taman Sejati 2
32000 Sitiawan, Perak,
Malaysia

2.Mr.Alakesan,
A/L.Saminatha Pather
No.16, Regat Bekor 5
Taman Pertama
30100 IPOH PERAK

...Respondents

This Original Petition praying that this Hon'ble Court
be pleased to issue a Succession Certificate in favour of
the Petitioner with Power to collect the debts and to
receive the deposits specified herein 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 petitioner.

2.It is the case of the petitioner that S.Magalingam V.Suppiah died on 08.11.2012 at No.343, Taman Sejati 2, 32000 Sitiawan, Perak, Malaysia. The deceased was ordinarily residing at the said address. The petitioner is the wife of the deceased and the first respondent is the son of the deceased. The second respondent is the brother of the petitioner viz., brother-in-law of the deceased. The deceased died intestate and during his life time he had deposited money in Citi Bank, Chennai, morefully described in the schedule. Already letters of administration dated 10.04.2013 was issued by the Estate of Administrator, District of Petaling, State of Selangor, Malaysia in favour of the petitioner as the first respondent was a minor then. Subsequently, the first respondent attained majority and letters of administration dated 19.09.2014 was issued by the Subordinate Court of Republic of Singapore and the

second respondent was appointed as co-administrator along with the petitioner. When the petitioner and the first respondent approached the Citi Bank for releasing the amounts deposited by the deceased, they were asked to obtain succession certificate. The succession certificate is required for the purpose of claiming the amount deposited in Citi Bank, Chennai. The assets in respect of which the succession certificate is required are of the value of Rs.23,31,406.50. The first respondent has given his consent for issuance of succession certificate in favour of the petitioner. The second respondent, who is none other than the brother of the petitioner and a formal party in this petition has also given his consent. 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 deposits as specified in the schedule.

WEB COPY

3.The petitioner examined herself as P.W.1 and marked Exs.P1 to P7 viz.,

Ex.P1 is the photocopy of death certificate of the

petitioner's husband S.Magalingam V.Suppiah, who died on 08.11.2012.

Ex.P2 is the photocopy of the petitioner's I.D. Card bearing No.560923085360.

Ex.P3 is the original certificate of letters of administration dated 10.04.2013 in the language of Malai, granted by Land Administrator, District of Petaling, State of Selangor, Malaysia along with English Translation.

Ex.P4 is the photocopy of the certificate of grant of letters of administration dated 07.07.2014 issued by the Subordinate Court of the Republic of Singapore.

Ex.P5 is the original statement of accounts as on 04.04.2015 in respect of the account maintained by the petitioner's husband S.Magalingam V.Suppiah, issued by Citi Bank.

Ex.P6 is the claim application form given by the Citi Bank along with the covering letter.

Ex.P7 is copy of paper publication effected in one issue of Tamil Daily Makkal Kural dated 15.06.2016.

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

4.The second respondent was examined as R.W.1 and he has stated that he has no objection in granting succession

certificate in favour of the petitioner. Ex.R1 is his consent affidavit.

5.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 S.Magalingam V.Suppiah. 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 deposits as specified in the schedule, is issued. The petitioner is directed to render account once in a year.

sd/.M.M.S.J
22.09.2016

//Certified to be a true copy//

Dated this the day of 2016

R.s/22.12.2016

COURT OFFICER

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