

O.P.No.141 of 2016**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 petitioners.

2.It is the case of the petitioners that M.S.Alaudeen died on 03.10.2009 at Nagar East Puram, Ulundurpet Taluk. The deceased was ordinarily residing at No.62/1, Malayappan Street, Mannady, Chennai. The wife of the deceased also died on the same day. The first petitioner is the son and petitioners 2 to 4 are the daughters of the deceased. The fifth petitioner is the father of the deceased. The deceased left a sum of Rs.10,24,570/- in his savings bank account bearing No.3002010100009237 with Vijaya Bank, Moore Street Branch, Chennai – 1. The deceased died intestate and due and though diligent search has been made for a Will, none has been found. The succession certificate is required for the purpose of claiming the deposit. The assets in respect of which the succession certificate is required are of the value of Rs.10,24,570/-. 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 their names with power to collect the debts and to receive interest as specified in the schedule.

3.The 5th petitioner examined himself as P.W.1 and marked Exs.P1 to P7 viz.,

Ex.P1 is the original death certificate of the 5th petitioner's son M.S.Alaudeen, who died on 03.10.2009.

Ex.P2 is the original death certificate of Hidayath Nisha, wife of the 5th petitioner's son M.S.Alaudeen, who died on 03.10.2009.

Ex.P3 is the photocopy of the certified copy of the legal heirship certificate dated 24.12.2009 in respect of the 5th petitioner's deceased son M.S.Alaudeen.

Ex.P4 is the office copy of the letter dated 18.11.2013 sent by the first petitioner to the Branch Manager, Vijaya Bank, Moore Street, Chennai – 1.

Ex.P5 is the photocopy of the letter dated 18.11.2013 sent by Vijaya Bank, Moore Street, Chennai – 1 to the first petitioner.

Ex.P6 is the photocopy of the Bank passbook for the saving account in No.3002010100009237 maintained by the 5th petitioner's deceased son M.S.Alaudeen in Vijaya Bank, Moore Street Branch, Chennai – 1.

Ex.P7 is copy of paper publication effected in one issue of Tamil Daily Makkal Kural dated 10.04.2016.

He has further stated in his evidence that he has not filed any other petition before any other Court seeking the same relief.

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

21.09.2016

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