

O.P.No.249 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 the deceased P.Balasundaram died on 29.11.2014 at No.4/47, Thiruvalluvar Nagar, Anna Salai, Ex-Serviceman Colony, Jalladianpettai, Medavakkam, Chennai 600 100. The deceased ordinarily resided at the said address.

3. It is submitted by the first petitioner/B.Shanthi that though one B.Saravanan's name is included in the petitioners' ration card, he is neither their son nor a legal heir of the deceased, Balasundaram and the same is evident from the legal heir certificate annexed. She further submitted that his name has been duly deleted from the ration card by the authority concern.

4. The deceased, during his life time, sent a notice to the

concerned Officers of Corporation of Chennai, requesting them to change the name of the nominee in it i.e., to include the first petitioner's name/wife of the deceased as nominee. Since there was no action on the part of the Corporation of Chennai, the deceased filed a writ petition in W.P.No.27144 of 2014. The deceased died intestate and though due and diligent search has been made for a Will, none has been found. The petitioners are the wife and daughters of the deceased, P.Balasundaram. The deceased parents predeceased him. The succession certificate is required for the petitioners for the purpose of receiving pension benefits which are of the value of Rs.54,660/- (Rupees Fifty Four Thousand Six Hundred and Sixty only) and for other benefits also. The petitioners required the succession certificate with power to collect the debts and to receive the interest specified in the schedule.

5. No application for a succession certificate 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 the interest specified in the schedule.

6.The first petitioner examined herself as P.W.1 and marked Exs.P1 to P11 viz.,

Ex.P1 is the computer generated death certificate of the first petitioner's deceased husband, P.Balasundaram, who died on 29.11.2014.

Ex.P2 is the Marriage Invitation Card for the Marriage between me and first petitioner's husband P.Balasundaram.

Ex.P3 is the photocopy of the legal heir ship certificate dated 02.04.2015 in respect of the first petitioner's deceased husband P.Balasundaram, (marked after comparing and verifying with original)

Ex.P4 is the photocopy of my Aadhar Card bearing No.774904690519. (marked after comparing and verifying with original)

Ex.P5 is the photocopy of the first petitioner's Family Card bearing No.02/G/0648257 for the period 2005-2009. (marked after comparing and verifying with original)

Ex.P6 is an Office Copy of the letter dated 17.04.2015 sent by the first petitioner to Accounts Officer, Pension Section, Corporation of Chennai, Chennai – 3.

Ex.P7 is the photocopy of Pension payment Order in respect of the first petitioner's husband, P.Balasundaram.(Witness says that the original of the same has been handed over to the Corporation of Chennai under Ex.P6)

Ex.P8 is an Office Copy of a letter dated 13.05.2014 addressed by the first petitioner's husband, P.Balasundaram to the Zonal Officer Corporation of Chennai, Adyar, Chennai along with original acknowledgement cards 3 in number.

Ex.P9 is the certified copy of the affidavit filed by the first petitioner's husband, P.Balasundaram in W.P.No.27144 of 2014, before this Court, Madras.

Ex.P10 is the original letter dated 08.07.2015 received by the first petitioner from the Accounts Officer, Pension Section, Corporation

of Chennai.

Ex.P11 is a copy of paper publication effected in one issue of Tamil Daily "Thina Boomi" dated 09.06.2016.

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

8. Considering the averments made in the petition and the documents filed by the petitioners, I am satisfied that the petitioners have succeeded to the Pension of the deceased, P.Balasundaram. 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 the interest specified in the schedule, is issued. The petitioners are directed to render account once in a year.

03.10.2016

gv

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gv

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