

**O.P.No.361 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 Nagendra Prasad Rai died on 30.11.2013 at S.V. Home for Aged, Arumbakkam, Chennai. The deceased ordinarily resided at No.4115, Tower No.4, Phase I, Estancia, GST Road, Velanchery, Kancheepuram. The deceased worked as a Chief Engineer (Construction), Southern Railway, Egmore, Chennai. He died intestate and though diligent search has been made for a Will, none has been found. The first petitioner is the wife of the deceased and petitioners 2 and 3 are the daughter and son of the deceased respectively. The deceased was having a savings account with State Bank of India, Ayanavaram Branch, Chennai, bearing SB A/c No.20022076113. The succession certificate is required for the purpose of producing before the State Bank of India, Ayanavaram Branch, Chennai, for withdrawal of the amount stands in the name of the deceased. The assets in respect of which the succession

certificate is required are of the value of Rs.45,97,481/-. 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 the interest and dividends on and negotiate and transfer the securities specified in the schedule.

3.The second petitioner examined herself as P.W.1 and marked Exs.P1 to P4 viz.,

Ex.P1 is the computer generated death certificate of the second petitioner's father Nagendra Prasad Rai, who died on 30.11.2013.

Ex.P2 is the photocopy of the legal heirship certificate dated 28.01.2015 in respect of the second petitioner's deceased father Nagendra Prasad Rai.

Ex.P3 is the photocopy of the Bank passbook for the account in No.20022076113 maintained by the second petitioner's father Nagendra Prasad Rai in State Bank of India, which account has been transferred to Ayanavaram Branch, Chennai.

Ex.P.4 is a copy of paper publication in one issue of Tamil Daily "Malai Sudar" dated 23.06.2016.

She has further stated in her evidence that the petitioners have 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 the petitioners, I am satisfied that the petitioners have succeeded the Estate of the deceased Nagendra Prasad Rai. 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 and dividends on and negotiate and transfer the securities specified in the schedule, is issued. The petitioners are directed to render account once in a year.

**11.08.2016**

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