

**O.P.No.50 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 petitioner.

2.Heard the learned counsel for the petitioner.

3.It is the case of the petitioner that C.Padmaja Krishnaswamy died on 27.09.2013 at Sujana Residency, Flat No.4, 3<sup>rd</sup> Floor, No.1/37, 4<sup>th</sup> Main Road, Kottur Gardens, Kotturpuram, Chennai - 85. She was ordinarily residing at the said address. The deceased died intestate and though due and diligent search has been made for a Will, none has been found. The husband of the deceased predeceased her and they had no issues. The petitioner and the first respondent are the brothers-in-law of the deceased. Respondents 2 to 4 are the sisters-in-law of the deceased , respondents 5 and 6 are the parents of the deceased and the 7<sup>th</sup> respondent is the sister of the deceased. The succession certificate is required for the purpose of transmission of shares and bank account morefully mentioned in the schedule. The

assets in respect of which the succession certificate is required are of the value of Rs.1,60,475.82. No application for a succession certificate has been made to any District Court or delegate or to any High Court. All the respondents have filed their consent affidavit, expressing no objection for grant of succession certificate in favour of the petitioner. Hence, the petitioner has approached this Court for grant of succession certificate in his name with power to collect the debts and to receive the interests and dividends thereon and negotiate and transfer the securities, specified in the Schedule I and II.

4.The petitioner examined himself as P.W.1 and marked Exs.P1 to P14 viz.,

Ex.P1 series are the computer generated birth certificate and death certificate of the petitioner's sister-in-law C.Padmaja Krishnaswamy, who was born on 21.05.1962 and died on 27.09.2013.

Ex.P2 is the computer generated death certificate of the petitioner's brother C.Krishnaswamy, who died on 01.12.2011.

Ex.P3 series are the photocopies of saving account passbook in Canara Bank, Kotturpuram Branch in Account No.1550101001605 which stands jointly in the name of the petitioner's brother and his sister-in-law along with statement from 30.07.2011 to 31.07.2014.

Ex.P4 is the computer generated statement of accounts issued by Canara Bank, Kotturpuram Branch for the period from 01.04.2014 to 03.09.2014 in account No.1550201000624 held by the petitioner's brother.

Ex.P5 series are the photocopies of saving account passbook in Canara Bank, Kotturpuram Branch bearing Account No.1550101079297 along with statement for the period from 26.07.2013 to 01.09.2014 held by the petitioner's sister-in-law C.Padmaja Krishnaswamy.

Ex.P6 is the photocopy of share certificate bearing Certificate No.22034 held by the petitioner's deceased brother C.Krishnaswamy in Coramandal International Limited, Secundrabad dated 24.12.2010.

Ex.P7 is one copy of paper publication effected in one issue of Tamil Daily Malai Sudar dated 10.08.2016.

Ex.P8 is the consent affidavit given by the 1<sup>st</sup> respondent stating that he has no objection in grant of succession certificate in favour of the petitioner.

Ex.P9 is the consent affidavit given by the 2<sup>nd</sup> respondent stating that she has no objection in grant of succession certificate in favour of the petitioner.

Ex.P10 is the consent affidavit given by the 3<sup>rd</sup> respondent stating that she has no objection in grant of succession certificate in favour of the petitioner.

Ex.P11 is the consent affidavit given by the 4<sup>th</sup> respondent stating that she has no objection in grant of succession certificate in favour of the petitioner.

Ex.P12 is the consent affidavit given by the 5<sup>th</sup> respondent stating that he has no objection in grant of succession certificate in favour of the petitioner.

Ex.P13 is the consent affidavit given by the 6<sup>th</sup> respondent stating that she has no objection in grant of succession certificate in favour of the petitioner.

Ex.P14 is the consent affidavit given by the 7<sup>th</sup> respondent stating that she has no objection in grant of succession certificate in favour of the petitioner.

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 petitioner has succeeded the Estate of the deceased C.Padmaja Krishnaswamy.

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 interests and dividends thereon and negotiate and transfer the securities, specified in the Schedule I and II, is issued. The petitioner is directed to render account once in a year.

23.11.2016

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