

O.P.No.528 of 2016

K.KALYANASUNDARAM, J.

This Petition has been filed under Section 372 of the Indian Succession Act read with Order XXV Rule 66 of the High Court Original Side Rules, seeking the grant of Letters of Administration.

2.Heard the learned counsel appearing for the petitioner.

3.In the petition, it is stated that D.Logammal died on 20.06.2014 and she was ordinarily residing at No.444, G Block, Thilagar Nagar, Tsunami Kudiyruppu, Tondiarpet, Chennai - 600 081. The deceased died intestate and though due and diligent search has been made for a Will, none has been found. The deceased had no issues. The petitioner is the only Class-I heir of the deceased and the husband of the deceased Mr.Dillibabu predeceased her on 24.08.1985. The petitioner as only Class-I legal heir of the deceased is entitled to claim the properties mentioned in the Schedule. The succession certificate is required for the purpose of collecting the pension and transfer of funds in favour of the petitioner. The shares in respect of which the succession certificate is required are of the value of Rs.2,61,290/-. 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 petitioner has approached this Court for grant of succession certificate in his name with power to collect the debts and to receive the interest and dividends on and negotiate and transfer the securities specified in the schedule.

4.The petitioner, who examined himself as P.W.1, reiterated the averments made in the petition and filed the following documents viz., Exs.P1 to P9. Ex.P1 is the computer generated copy of the death certificate of Logammal, who died on 20.06.2014. Ex.P2 is the photocopy of the certified copy of legal heirship certificate dated 28.08.2014 in respect of deceased mother Logammal (marked after comparing and verifying with original). Ex.P3 is the photocopy of family card for the period 2005-2009 (marked after comparing and verifying with original). Ex.P4 is the office copy of the legal notice dated 28.01.2016 sent through Advocate to the Dean, Government Stanley Hospital, Chennai. Ex.P5 is the photocopy of the reply letter dated March 2016 received by Advocate from the Dean, Government Stanley Hospital, Chennai - 1, in response to the legal notice Ex.P4. (Witness says that only a copy of the said letter was addressed to the Advocate). Ex.P6 is the original Empty Postal Cover through which reply letter Ex.P5 was received by the Advocate. Ex.P7 is the photocopy of Employee Identity Card of the deceased S.Logambal issued by Government Stanley Medical College and Hospital marked

after comparing and verifying with original). Ex.P8 is the photocopy of the letter dated 18.09.2015 received by the petitioner from the office of the Accountant General (Accounts and Entitlement) Tamil Nadu. Ex.P9 is the copy of the paper publication effected in one issue of Tamil Daily Malai Sudar dated 27.09.2016. 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 petitioner has succeeded the Estate of the deceased D.Logammal. 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 interest and dividends on and negotiate and transfer the securities specified in the schedule, is issued. The petitioner is directed to render account once in a year.

15.12.2016

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K.KALYANASUNDARAM, J.

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