

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(TESTAMENTARY AND INTESTATE JURISDICTION)

THURSDAY, THE 20th DAY OF JULY 2017

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

O.P.No.42 of 2017

In the matter of Indian
Succession Act XXXIX of 1925
and

In the matter of Debts

Mr.K.A.Vasudevan, (Deceased)

intestate.

1.Mrs.V.Vijayalakshmi,
W/o.Late.Sri.K.A.Vasudevan,
No.17/8, Ayyappan Nagar,
Periyar Pathai,
Choolaimedu,
Chennai-600 094.

2.Mrs.V.Geetha,
W/o.Mr.R.Sundaram,
No.17/8, Ayyappan Nagar,
Periyar Pathai,
Choolaimedu,
Chennai-600 094.

3.Mr.V.Jayakkumar,
S/o.Late.sri.K.a.Vasudevan,
No.17/8, Ayyappan Nagar,
Periyar Pathai,
Choolaimedu,
Chennai-600 094.

4.Mr.V.Srikanth,
S/o.Late.sri.K.a.Vasudevan,
No.17/8, Ayyappan Nagar,
Periyar Pathai,
Choolaimedu,
Chennai-600 094.

... Petitioners

Original Petition praying that this Hon'ble Court be
pleased to grant Succession Certificate to the First
petitioner with power to collect the debts and to receive
the interest schedule herein.

This Original Petition coming on this day before this court for hearing the court made the following order:

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 1st petitioner.

2. It is the case of the petitioners that the deceased K.A.Vasudevan died intestate on 07.03.2016 at No.17/8, Ayyappan Nagar, periyarpathai, Choolaimedu, Cheenai - 600 094 and the deceased was ordinarily residing at the above said addresses. The first petitioner is the wife of the deceased. The 2nd Petitioner is the daughter of the deceased. Petitioner 3 and 4 are the sons of the deceased. The petitioners are the legal representatives of the deceased K.A.Vasudevan.

3. It is further stated that the petitioners as Class-I heirs claims to be entitled to a share of a estate of the deceased. The petitioners 2 to 4 have no objection to grant Succession Certificate in favour of the 1st petitioner. The petitioners have impleaded all the next of kin or other persons interested as party / respondents. There is no next of kin or other person interested to be impleaded. There is no impediment under Section 370 of the Indian Succession Act, 1985 or under any other provisions of this Act or any other enactment to the grant of the certificate or the validity thereof if it were granted.

The assets in respect of which the Succession Certificate is required are the value of Rs.5,19,717.64/-. No application has been made to any District Court or delegate or to any High Court for probate of any Will of the said deceased or for Letters of Administration with or without the Will annexed to his properties and credits. No application for a succession certificate in respect of any debt or security belonging to the estate of the said deceased has been made in any District Court or delegate or to any High Court. Hence, the petitioners have approached this Court for grant of succession certificate in favour of the first petitioner with power to collect the debts and to receive the interest in the schedule.

4. First petitioner, who, examined herself as P.W.1 and marked Exs.P1 to P5 viz.,

Ex.P1 is the computer generated death certificate of her husband K.A.Vasudevan, who died on 07.03.2016.

Ex.P2 is the photocopy of the legal-heirship certificate, dated 14.07.2016 in respect of her husband K.A.Vasudevan (marked after comparing and verifying with the original)

Ex.P3 is the photocopy of Saving Pass Book bearing Account No.801410110010335 in Bank of India, Kodambakkam Branch which stands in the name of her husband K.A.Vasudevan. (Marked after comparing and verifying with original)

Ex.P4 is the copy of paper publication effected in one issue of Tamil daily "Makkal Kural" dated 18.02.2017.

Ex.P5 is the photocopy of monthly income certificate bearing Account No.801442710000766 in Bank of India, Kodambakkam Branch which stands in the name of her husband K.Vasudevan (marked after comparing and verifying with the original).

She has further stated in her evidence that she 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 petitioners, I am satisfied that the petitioners have succeeded the Estate of the deceased K.A.Vasudevan. Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate to the first petitioner with power to collect the debts and to receive the interest in the schedule, is issued. The first petitioner is directed to render account once in a year.

Sd/-C.V.K.J
20.07.2017

//Certified to be a true copy//
Dated this the day of 2017.

EM/28.07.2017

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.