

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(TESTAMENTARY AND INTESTATE JURISDICTION)

TUESDAY, THE 25TH DAY OF JULY 2017

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

O.P.No.134 of 2017

In the matter of the Indian
Succession Act XXXIX of 1925

And

In respect of certain debts
belonging to the A.Gulshan
Ara, deceased intestate.

Mrs.A.Shajahan Bebe,
Mr.I.Mohamed Thameem Sharif,
both residing at
F.177, Barathidasan Street,
M.M.D.A.Colony,
Arumbakkam,
Chennai-600 106.

...Petitioners

Original Petition praying that this Hon'ble Court be pleased to that a Succession Certificate may be granted to the petitioners with power to collect the debts and to receive interest, if any and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

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, 1925 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 A.Gulshan Ara died on 28.0.2016 at Sri Ramachandra Medical College and Research Institute, Ramachandra Nagar, Kerambakkam. The deceased ordinarily resided at F.No.177, Barathidasan

Street, M.M.D.A Colony, Arumbakkam, Chennai 600 106, along with her husband viz., Sardar Khan, who predeceased her on 28.10.2014. The deceased mother-in-law Mrs.Subeha Beevi also died on 10.02.2016. The deceased died intestate and though due and diligent search has been made for a Will, none has been found. The first petitioner is the sister of the deceased. The second petitioner is the son of the first petitioner. The petitioners are the only nominee and legal heirs of the deceased and they are entitled to claim a share to the estate of the deceased. The succession certificate is required for the purpose to collect the debts and receive interest, if any, the said assets in respect of which the succession certificate is required for the purpose of the value of Rs.30,51,244/- inclusive of interest from the date of deposit till the date of realization as set out in the schedule standing in the name of the deceased. The said deceased at the time of her death left behind her surviving as her only next-of-kin the petitioners herein. The deceased A.Gulshan Ara's pensionary benefits have accumulated under the following heads in the Agricultural Department:

- | | |
|----------------------------------|------------------|
| a) Death-Cum-Retirement Gratuity | : Rs.10,00,000/- |
| b) General Provident Fund GPF | : Rs.15,93,534/- |
| c) Leave Salary | : Rs. 4,57,710/- |

Rs.30,51,244/-

The deceased left the monies specified in the Schedule, within the jurisdiction of this Court. The Agricultural Department advised the petitioners to obtain a Succession Certificate and produce the same to effect transfer of the aforesaid amount left behind by the deceased Sister Gulsha Ara, who died issueless. There is no impediment under Section 370 of the Indian Succession Act, 1925 or any other enactment to grant of the certificate of the validity thereof, if it were granted. No application has been made to any other Court or delegate or to any High Court for probate of any Will of the deceased or for Letters of Administration or Succession Certificate with or without Will annexed for the Debts and Securities due to the deceased. Hence, the petitioners have approached this Court for grant of succession certificate in favour of petitioners with power to collect the debts and to receive interest.

3. The first petitioner examined herself as P.W.1 and marked Exs.P1 to P9 viz.,

Ex.P1 is the computer generated death certificate of petitioner's elder sister Gulshan Ara.A, who died on 28.02.2016.

Ex.P2 is the photocopy of the Family Card of petitioner's elder sister deceased Gulshan Ara.A, bearing No.01/G/0544252.

Ex.P3 is the photocopy of petitioners' family card bearing No.01/G/0548706.

Ex.P4 is the computer generated death certificate of deceased Gulsha Ara's husband, namely, Sardha Khan, who died on 28.10.2014.

Ex.P5 (Series 4 Sheets) are the certified copies of nomination forms in respect of deceased Gulshan Ara.

Ex.P6 is the photocopy of the legal heirship certificate dated 30.01.2015 in respect of Sardhar Khan, the husband of the deceased Gulshan Ara.

Ex.P7 is the computer generated death certificate of Subedha Beevi, the mother-in-law of deceased Gulshan Ara, who died on 10.02.2016.

Ex.P8 is the original letter dated 24.06.2016 addressed to the petitioner by the Commissioner of Agriculture.

Ex.P9 is the copy of paper publication effect in one issue of Tamil daily "Makkal Kural" dated 27.03.2017.

She has further stated in her evidence that she has 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 Gulshan Ara.. 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 interest.

sd/-C.V.K.J.

25.07.2017

//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.