

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(TESTAMENTARY AND INTESTATE JURISDICTION)

TUESDAY, THE 19TH DAY OF SEPTEMBER 2017

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

O.P.No.176 of 2017

In the matter of Indian
Succession Act XXXIX of 1925.

And

In the matter of debts of
JERRY P.ADAM died Intestate.

1.JOVITA SHEEBA ADAM,
D/o.Peter Michael Joseph Adam,
No.46/102, Throwpathi amman Koil 1st Street,
Velacherry,
Chennai-600 042.

2.ANTONY AMIT AGA,
S/o.Peter Michael Joseph Adam,
No.46/102, Throwpathi amman Koil 1st Street,
Velacherry,
Chennai-600 042.

...Petitioners

Original Petition praying that this Hon'ble Court be
pleased to grant a succession certificate in favour of the
first petitioner with power to collect the debts and to
receive interest .

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 second petitioner.

2. Heard the learned counsel for the petitioners and
perused the materials available on record.

3. It is the case of the petitioners that Jerry P.Adam,

died on 23.11.2015 at Xcellent Care Super Speciality Hospitals, Velacherry, Chennai and the deceased was ordinarily resided at No.46/102, Throwpathiamman Koil 1st Street, Velacherry, Chennai 600 042 and left the property within the Jurisdiction of this Court and as specified in the schedule to the petition. The first petitioner is the daughter of the deceased. The second petitioner is the son of the deceased. The deceased died intestate and though due and diligent search has been made for a Will, none has been found.

4. It is the further case of the Petitioners that the said deceased at the time of her death, left behind the Petitioners as legal heirs to succeed to her estate. The parents of the deceased predeceased her. The deceased had divorced her husband earlier and hence, the petitioners are the only surviving Class-I legal heirs. They are entitled to claim share in respect of the debts described in the schedule. The deceased had insured her life with the Post Life Insurance for a sum assured of Rs.1,00,000/-. The value of the estate of the deceased has now accrued with interest and valued at Rs.2,40,000/-. When the petitioners approached the Department of Post with the life insurance claim application along with required documents, they were requested to submit the succession certificate from the competent Court for processing the claim. The petitioners have also enclosed the legal heir certificate issued by the Tahsildar, Velacherry Taluk, Chennai 600 113. The

succession certificate is required for the purpose of releasing the amount payable to the deceased by the Indian Postal Department. The amount in respect of which the succession certificate is required, is of the value of Rs.2,40,000/- No application for a succession certificate 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 her properties or credits. There is no impediment under Section 370 of the Indian Succession Act, or under any other provisions of the Act or any other enactment to the grant of the Certificate or the validity thereof if it were granted. No application for a succession certificate in respect of any debt or security belonging to the estate of the deceased has been made to any District Court or any High Court. The second petitioner has given his consent affidavit to grant succession certificate in the name of the first petitioner. 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 and to receive the interest specified in the schedule.

5. The petitioner examined himself as P.W.1 and marked Exs.P1 to P7 viz.,

EX.P1 is the computer generated death certificate of petitioner's mother Jerry P.Adam, who died on 23.11.2015.

EX.P2 is the original legal heirship certificate in respect

of petitioner's mother Jerry P.Adam.

EX.P3 is the original letter from Manager, Department of Post St.Thomas Mount HPO, dated 30.08.2016, Chennai addressed to the petitioner asking for a Succession Certificate from Court of Law

Ex.P4 is the original Postal Life Insurance Policy bearing No.TN/136721-CC standing in the name of petitioner's mother Jerry P.Adam.

Ex.P5 is the photocopy of divorce order in respect of petitioner's mother Jerry P.Adam in O.P.No.2031 of 2015 dated 10.09.2015 passed by Principal Judge, Family Court, Chennai.

Ex.P6 is one copy of paper publication effected in one issue of Tamil daily "Dina Boomi" dated 28.03.2017.

Ex.P7 is the consent affidavit given by the second petitioner stating that he has no objection in grant of succession certificate in favour of the petitioner.

She has further stated in her evidence that she has not filed any other petition before any other Court seeking the same relief.

6. Considering the averments made in the petition and the documents filed by the petitioners, I am satisfied that the first petitioner has succeeded to the Estate of the deceased Jerry P.Adam. 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 and to receive the interest as specified in the schedule, is issued. The first petitioner is directed to render account once in a year.

Sd/-C.V.K.J
19.09.2017

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

EM/20.09.2017

COURT OFFICER

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