

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(TESTAMENTARY AND INTESTATE JURISDICTION)

TUESDAY, THE 05TH DAY OF SEPTEMBER 2017

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

O.P.No.179 of 2017

In the matter of Indian
Succession Act XXXIX of 1925.

And

In the matter of Debts of the
Tmt.P.Jayalakshmi died
intestate

1.Mrs.G.Shanthakumari,
S/o.late M.C.Rama Rao
W/o.G.Ganesh,

2.Mr.M.R.Kasi Viswanatha,
S/o.lata M.C.Rama Rao,
No.20/17, Yacoob Garden Street,
Pattalam,
Chennai-600 012.

...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 the interest Securities specified in the schedule hereto.

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

3.It is the case of the petitioners that P.Jayalakshmi, D/o.late M.C.Rama Rao, died on 14.02.2010 at No.17/20, Yacoob Garden Street, Pattalam, Otteri, Chennai 600 012. The deceased was ordinarily residing at No.20/17, Yacoob Garden Street, Pattalam, Chennai 600 012 and left the property within the Jurisdiction of this Court and as specified in the schedule to the petition. The first petitioner is the younger sister of the deceased. The second petitioner is the younger brother 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 the petitioners, the younger sister and younger brother as the only Class-II legal heirs, who are entitled to claim share in the estate. The parents of the deceased namely M.C.Rama Rao and M.Rajeswari are predeceased her, the husband of the deceased predeceased on 18.11.1997 and the only daughter of the deceased, namely, P.N.Deepthika also predeceased her on 17.11.2004. The succession certificate is required for the purpose of claiming the Post Office Monthly Income Scheme Account, Chennai, bearing Account No.0444239570, in Perambur Barracks Post Office, Pattalam, Chennai 12. The amount in respect of which the succession certificate is required, is of the value of Rs.1,00,000/-

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. Hence, the petitioners have approached this Court for grant of succession certificate with power to collect the debts and and to receive the interest specified in the schedule.

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

EX.P1 is the computer generated copy of the death certificate of the petitioner's deceased father M.C.Rama Rao, who died on 13.03.2007.

EX.P2 is the photocopy of the death certificate of petitioner's deceased brother-in-law P.R.Nageswara Rao, who died on 18.11.1997.

EX.P3 is the computer generated copy of the death certificate of the petitioner's deceased sister Jayalakshmi, who died on 14.02.2010.

Ex.P4 is the photocopy of the death certificate of the deceased sister's daughter P.N.Deepthika, who died on 17.11.2004.

Ex.P5 is the computer generated copy of the death certificate of the deceased mother M.Rajeswari, who died on 14.01.2004.

Ex.P6 is the original legal heirship certificate dated 10.06.2016 in respect of petitioner's father.

Ex.P7 is the photocopy of the post office saving account bearing account No.0444239570 in the name of the deceased Sister Jayalakshmi.

Ex.P8 is the photocopy of petitioner's family card bearing No.02/G/0672340..

Ex.P9 is the copy of paper publication effected in one issue of Tamil daily "Malai Sudar" dated 24.03.2017.

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

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

Sd/-C.V.K.J
05.09.2017

//Certified to be a true copy//

Dated this the day of 2017.

EM/14.09.2017 COURT OFFICER

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