

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(TESTAMENTARY AND INTESTATE JURISDICTION)

MONDAY, THE 31TH DAY OF JULY 2017

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

O.P.No.196 of 2017

In the matter of Indian
Succession Act XXXIX of 1925.

And

In the matter of Debts of Mr.R
Parthasarathy & Mrs.Bharathi
Parthasarathy deceased
intestate.

1.P.Suryanarayanan,
S/o.R.Parthasarathy,
G.1. Ragam Apartment,
6 & 7 Veerapandia Nagar,
4th West Street,
Choolaimedu,
Chennai-94.

2.P.Srivishnu,
2/48, SAF Games Village,
Koyambedu,
Chennai-600 107.

...Petitioners

Original Petition praying that this Hon'ble Court be
pleased to grant Succession Certificate to the petitioners
with power to collect the debts and to receive interest
thereto specified in schedule hereunder.

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 petitioners.

2.It is the case of the petitioners that R.Parthasarathy and Bharathi Parthasarathy died on 08.09.2012 and 11.01.2014 respectively at G.I.Ragam Apartment, 6 & 7 Veerapandia Nagar, 4th West Street, Choolaimedu, Chennai-94. The deceased were ordinarily residing at the said address and they left the properties described in the schedule. The deceased died intestate and though due and diligent search has been made for a Will, none has been found. The petitioners are the sons of the deceased Parthasarathy and Bharathi Parthasarathy. The petitioners are the Class-I legal heirs of the deceased Parthasarathy and Bharathi Parthasarathy and they are entitled to claim a share to the estate of the deceased. The succession certificate is required for the purpose of claiming the shares/securities morefully described in the schedule standing in the name of the deceased. The deceased left the movable securities specified in the Schedule, within the jurisdiction of this Court. The assets in respect of which the succession certificate is required, are of the face value of Rs.1,22,704/-. 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 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 petitioners have approached this Court for grant of succession certificate in favour of petitioners with power to collect the securities and to receive interest, dividends thereon and negotiate and transfer the securities.

3.The first petitioner examined himself as P.W.1 and the second petitioner is his brother and he himself deposed on his behalf and marked Exs.P1 to P11 viz.,

Ex.P1 is the photocopy of the post office savings account pass book bearing account No.3018760 in respect of his deceased parents viz.,R.Parthasarathy and Bharathi Parthasarathy.

Ex.P2 is the photocopy of the post office savings account pass book bearing account No.3020317 in respect of his deceased parents viz.,R.Parthasarathy and Bharathi Parthasarathy.

Ex.P3 is the photocopy of the post office savings account pass book bearing account No.3020305 in respect of his deceased parents viz.,R.Parthasarathy and Bharathi Parthasarathy.

Ex.P4 is the photocopy of the post office savings account pass book bearing account No.4354123 in respect of his deceased parents viz.,R.Parthasarathy and Bharathi Parthasarathy.

Ex.P5 is the computer generated copy of the death certificate of his father Mr.R.Parthasarathy, who died on

08.09.2012.

Ex.P6 is the computer generated copy of the death certificate of his mother Mrs.Bharathi Parthasarathy, who died on 11.01.2014.

Ex.P7 is the original Legal Heirship Certificate dated 11.02.2014 in respect of deceased Mrs.Bharathi Parthasarathy.

Ex.P8 is the original Legal Heirship Certificate dated 05.10.2012 in respect of deceased Mr.Parthasarathy.

Ex.P9 is the photocopy of the Aadhaar Card of Mr.P.Srivishnu/2nd petitioner bearing No.2233 7071 1687.

Ex.P10 is the photocopy of the Voter ID Card of Mr.P.Srivishnu/ 2nd petitioner bearing No.RAZ0363259.

Ex.P11 is the copy of paper publication effect in one issue of Tamil daily "Malai Sudar"dated 15.04.2017.

He has further stated in his evidence that he 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 Mr.R.Parthasarathy and Mrs.Bharathi Parthasarathy. Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate to the petitioners with power to collect the securities and to

receive interest, dividends thereon and negotiate and transfer the securities. The petitioners are directed to render account once in a year.

Sd/-C.V.K.J

31.07.2017

//Certified to be a true copy//

Dated this the day of 2017.

EM/04.08.2017

COURT OFFICER

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