

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(TESTAMENTARY AND INTESTATE JURISDICTION)

WEDNESDAY, THE 26TH DAY OF JULY 2017

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

O.P.No.262 of 2017

In the matter of the Indian
Succession Act XXXIX of 1925

And

In the matter of Debts of
N.Muthukumaran (Intestate-
Deceased)

1.M.Jeevalakshmi,
W/o.N.Muthukumaran,
No.D, Simba Flats,
3rd Floor, W-84,
North Main Road,
Anna Nagar West Extn.,
Chennai-600 101.

2.M.Aadhavan Nagarajan,

3.M.Mahalakshmi,

Petitioners 2 & 3 Minors,
Rep. By mother & Natural guardian,
M.Jeevalakshmi,
Flat No.D.Simba Flats,
3rd Floor,
W-84, North Main Road,
Anna Nagar West Extn.,
Chennai-600 101.

...Petitioners

Original Petition praying that this Hon'ble Court be pleased to that a Succession Certificate may be granted to the 1st petitioner, for herself and as the mother and guardian of the petitioners 2 and 3, with power to collect the Debts and to receive the interests thereon, specified in the Schedule hereunder and pass such suitable orders therefor.

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, r/w. Sec.300 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 N.Muthukumaran died on 14.08.2016 at Flat No.D, Simba Flats, 3rd Floor, W-84, North Main Road, Anna Nagar West Extension, Chennai - 600 101. The deceased was ordinarily resided at Flat No.D, Simba Flats, 3rd Floor, W-84, North Main Road, Anna Nagar West Extension, Chennai - 600 101 and he 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 1st Petitioner is the wife of the deceased. Petitioners 2 and 3 are the son and daughter of the deceased, aged 9 years and 8 months respectively, being minors, represented by their mother and natural guardian, M.Jeevalakshmi, the 1st petitioner. Each petitioners are entitled to an equal 1/3rd share of the estate of the said deceased as aforesaid being the only surviving Class-I legal heirs. The petitioners are the only legal heirs of the deceased. The succession certificate is required for the purpose of transmission of royalty standing to the credit of the deceased. The shares

in respect of which the succession certificate is required are for the value of Rs.2,23,219/-. 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 the 1st petitioner, for herself and as the mother and guardian of the petitioners 2 and 3, with power to collect the debts and to receive the interests thereon and negotiate and transfer the securities as specified in the schedule.

3. The first petitioner examined herself as P.W.1 and marked Exs.P1 to P5 viz.,

Ex.P1 is the computer generated death certificate of N.Muthukumaran, who died on 14.08.2016.

Ex.P2 is the photocopy of the legal heirship certificate dated 08.11.2016 in respect of N.Muthukumaran.

Ex.P3 is the photocopy of membership identity card of N.Muthukumaran in "The Indian Performing Right Society Limited".

Ex.P4 is the photocopy of the letter dated 20.01.2015 given by the CEO of the "The Indian Performing Right Society Limited".

Ex.P5 is the copy of paper publication effected in one issue of Tamil Daily "Malai Sudar" dated 06.06.2017.

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 N. Muthukumaran. Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate in favour of the 1st petitioner, for herself and as the mother and guardian of the petitioners 2 and 3, with power to collect the debts and to receive the interests in the schedule, is issued. The petitioners are directed to render account once in a year.

sd/-C.V.K.J.

26.07.2017

//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.