

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(TESTAMENTARY AND INTESTATE JURISDICTION)

THURSDAY, THE 31ST DAY OF AUGUST 2017

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

O.P.No.332 of 2017

In the matter of the Indian
Succession Act 1925 (Part
XXXIX of)

And

In the matter of the certain
Debts of the C.Ruckmangthan
-Deceased Intestate.

1.Mrs.Delli Bai Alias Mahalakshmi,
W/o.Late Kannaiya,
No.46, Nallannan Mudali Street,
Royapettah,
Chennai-600 014.

2.Sarankapani,
S/o.Late C.Ruckmangathan,
No.10, 3rd Street, Vetri Nagar,
West Tambaram,
Chennai-600 045.

3.Vasanthan,
D/o.Late C.Ruckmangathan,
No.63, Noor Mosuthi Street,
Pallavaram,
Chennai-600 043.

4.Bhuvaneshwari,
D/o.Late C.Ruckmangathan,
No.46, Nallannan Mudali Street,
Royapettah,
Chennai-600 014.

5.Mr.Mannar,
S/o.Late C.Ruckmangathan,
No.24/70, Kondi thoppu Krishnappa Kula Street,
Chennai-600 079. ...Petitioners

Original Petition praying that this Hon'ble Court be
pleased to that in Succession Certificate may be granted
in favour of the 1st petitioner with power to collect the
Debts (family pension) specified under the schedule of the

deceased father C.Rukmangathan and which are fully 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 read with Order XXV Rule 6 of the Madras High Court Original Side Rules, to grant succession certificate in favour of the 1st petitioner.

2. Heard the learned counsel for the petitioners.

3. It is the case of the petitioners that, their father C.Ruckmangathan died at his resident at No.70, Krishnappa Naickar Street, Chennai on 09.01.1983 and from the said date his wife and the mother of the petitioners namely Mrs.Vedhavalli was receiving the family pension and the said Mrs.Vedhavalli died at Chennai on 27.01.2009. Both the deceased C.Ruckmangathan and Mrs.Vedhavalli died intestate and that due and diligent search has been made for their Will, if any but none has been found. 1st petitioner was married with one L.Kanniah and the said L.Kanniah died at Chennai on 18.10.1974 and the 1st petitioner is issueless and from the date of the death of the 1st petitioner's husband, the 1st petitioner was living under the care of the parents namely C.Ruckmangathan and Mrs.Vedhavalli. It is further submitted that till the death of the father

C.Ruckmangathan both the mother and the 1st petitioner were dependent on him and subsequent to his death the 1st petitioner was dependent on her mother Mrs.Vedhavalli and subsequent to her death there is no one to take care of the 1st petitioner and as per the rules the 1st petitioner being a widowed daughter who was under the care and dependent on her parents is entitled to the family pension of the deceased father C.Ruckmangathan. The 1st petitioner is entitled to collect the debts (family pension). The said assets in respect of which the succession certificate is required are of the value of Rs.3500/-. No application for a succession certificate has been made to any District Court or delegate or to any High Court.Hence, these petitioners have approached this Court for grant of succession certificate in the name of the 1st Petitioner with power to collect the debts (family pension) specified in the Schedule of the deceased father C.Ruckmangathan.

4. The 1st petitioner examined herself as P.W.1 and marked Exs.P1 to P12 viz.,

Ex.P1 is the computer generated death certificate of P.W.1's father C.Ruckmangathan, who died on 09.01.1983.

Ex.P.2 is the photocopy of P.W.1's voter Identity Card.

Ex.P.3 is the photocopy of death certificate of P.W.1's husband L.Kannaiah, who died on 18.10.1974.

Ex.P.4 is the computer generated death certificate of P.W.1's mother Vedhavalli, who died on 27.01.2009.

Ex.P.5 is the photocopy of legal heirship certificate

dated 07.09.2012 in respect of P.W.1's mother Vedhavalli.

Ex.P.6 is the photocopy of letter dated 13.02.2014 from Central Land Survey Department Chepauk, Chennai-5 addressed to P.W.1.

Ex.P.7 is the photocopy of letter dated 12.08.2015 from Central Land Survey Department Chepauk, Chennai-5 addressed to P.W.1.

Ex.P.8 is one copy of paper publication effected in one issue of Tamil daily "Maalai Sudar" dated 21.06.2017.

Ex.P.9 is the consent affidavit given by the 2nd petitioner stating that he has no objection in grant of succession certificate in favour of P.W.1.

Ex.P.10 is the consent affidavit given by the 3rd petitioner stating that she has no objection in grant of succession certificate in favour of P.W.1.

Ex.P.11 is the consent affidavit given by the 4th petitioner stating that she has no objection in grant of succession certificate in favour of P.W.1.

Ex.P.12 is the consent affidavit given by the 5th petitioner stating that he has no objection in grant of succession certificate in favour of P.W.1.

She has further stated in his 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 1st petitioner has succeeded the Estate of the deceased Ruckmangathan. Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate to the 1st petitioner with power to collect the debts (family

pension) as specified in the schedule, is issued. The 1st petitioner is directed to render account once in a year.

Sd/-C.V.K.J

31.08.2017

//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.