

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(TESTAMENTARY AND INTESTATE JURISDICTION)

MONDAY, THE 11TH DAY OF SEPTEMBER 2017

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

O.P.No.336 of 2017

In the matter of the Indian  
Succession Act XXXIX of 1925

And

In the matter of the debts of  
the deceased K.Thomas Mani

1.Mrs.Annie Thomas,  
D/o.Late K.Thomas Mani,  
W/o.thomas Chackoo,  
1A Rajashilpam,  
Crystal Apartment, Chungom,  
Kottayam-686 001,  
Kerala.

2.Mr.Thomas K.Mani,  
S/o.Late K.Thomas Mani,  
W/32/2, Park Road,  
Anna Nagar West Extension,  
Chennai-600 101.

3.Mr.Geroge K.Mani,  
S/o.Late K.Thomas Mani,  
Plot No.4, First Cross,  
Universal Farms,  
Edayanchavaddy Road,  
Auroville Post,  
Villupuram-605 101.

...Petitioners

Original Petition praying that this Hon'ble Court be  
pleased to that a SUCCESSION CERTIFICATE may be granted to  
the 2<sup>nd</sup> petitioner with power to collect the debts and to  
receive the interest 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 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 K.Thomas Mani, died on 03.08.2017 and the deceased was ordinarily resided at W/32/2, Park Road, Anna Nagar West Extension, Chennai 600 101 and left the amount 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 and the third petitioner are the sons of the deceased. The wife and the parents of the deceased predeceased him. 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 his death, left behind him surviving the Petitioners herein as his only next-of-kin and they are entitled to claim share in respect of the debts described in the schedule. No other person is to be impleaded in this petition. The first and third petitioners have given their consent to grant succession certificate in favour of the second petitioner. The succession certificate is required for the purpose of receiving the sum of Rs.1,45,852/- only to the credit of the deceased from the Sub-Post Master, Dhanvantari Nagar, Pondicherry -

605 006. claiming the Post Office Monthly Income Scheme Account, Chennai,. The amount in respect of which the succession certificate is required, is of the value of Rs.1,45,852/- 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 in favour of the second 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 P4 viz.,

EX.P1 is the computer generated death certificate of petitioner's father K.Thomas Mani, who died on 03.08.2007.

EX.P2 is the photocopy of legal heirship certificate dated 21.02.2017 in respect of the petitioner's father K.Thomas Mani.

EX.P3 is the photocopy of Postal Saving Account Pas Book

bearing Account No.1308865681 in respect of petitioner's father K.Thomas Mani, held at Dhanvantari Nagar Post Office Pondicherry.

Ex.P4 is one copy of paper publication effected in one issue of Tamil daily "Malai Sudar" dated 09.06.2017.

He has further stated in her evidence that he 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 second petitioner has succeeded to the Estate of the deceased K.Thomas Mani. Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate to the second petitioner with power to collect the debts and and to receive the interest as specified in the schedule, is issued. The second petitioner is directed to render account once in a year.

Sd/-C.V.K.J  
11.09.2017

//Certified to be a true copy//

Dated this the                      day of                      2017.

EM/18.09.2017

COURT OFFICER

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