

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(ORDINARY TESTAMENTARY CIVIL JURISDICTION)

THURSDAY, THE 12TH DAY OF OCTOBER 2017

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

O.P. No.370 of 2017

In the matter of Indian
Succession Act XXXIX of
1925.

And

In the matter of deposit of
M.Subbulakshmi died
intestate at the age 56
years.

1.M.Doss,
S/o.late S.Muthu,
No.61-A, Raja Srinivasa Nagar,
Thiruvanmiyur,
Chennai-600 041.

2.M.Subbiah,
S/o.Late s.Muthu,
F-1, Senthil Nagar,
Varadharajapuram,
Chennai-600 048.

3.Lakshmi,
D/o.Late S.Muthu,
No.3/55, Anaikuttam,
Virudhunagar,

4.Mangaleeswari,
D/o.Late S.Muthu,
No.2/110, East Street,
Vendurayapuram,
Sivakasi,
Virudhunagar District.

...petitioners/Petitioners

Original Petition praying that this Hon'ble Court be
pleased to that a Succession Certificate to the petitioners
with power to Collect the debts and to receive interest
specified in the 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. Heard the learned counsel for the petitioners.

3. It is the case of the petitioners that the deceased M.Subbulakshmi died intestate on 06.05.2014 due to Asthma complaint when she had been to their native district for a while and stayed along with her younger sister Lakshmi, 3rd petitioner at No.2/110 Koppainaickenpatti, Vendurayapuram, Sivakasi Taluk, Virudhunagar District. The deceased M.Subbulakshmi was not married and was working as House Servant Maid at Chennai. The deceased M.Subbulakshmi was having a Savings Bank account in Post Office at Thiruvanmiyur, Chennai-600 041. The Petitioners are the brothers and sister of the deceased M.Subbulakshmi. The parents of the deceased M.Subbulakshmi were predeceased in their native place at Virudhunagar District. The deceased M.Subbulakshmi being unmarried has left no direct legal heirs except her two brothers and two sisters who are the petitioners to succeed her legal dues. The petitioners being Class II legal heirs to the deceased are entitled to succeed the estate at one fourth share each of the deceased depositor M.Subbulakshmi. The succession certificate is required for the purpose of claiming amount in savings

account left by the deceased M.Subbulakshmi. The amount for which Succession Certificate is required approximately to the value of Rs.2,40,570. 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 deceased or for Letters of Administration with or without Will annexed to their properties and the credits. Hence, these petitioners have approached this Court for grant of succession certificate in the name of the Petitioners with power to collect the debts and receive interest as specified in the schedule.

4. The 1st petitioner examined himself as P.W.1 and marked Exs.P1 to P5 viz.,

Ex.P1 is the original death certificate of P.W.1's deceased sister M.Subbulakshmi, who died on 06.05.2014.

Ex.P.2 is the photocopy of the Postal Savings account Pass book bearing account No.0470610774 in respect of P.W.1's deceased sister.

Ex.P.3 is the photocopy of the application for legal heirship certificate.

Ex.P.4 is the original proceedings dated 30.04.2015 issued by Tashildar, Velacherry, Chennai.

Ex.P.5 is a copy of paper publication effected in one issue of Tamil daily "Malai Sudar" dated 05.07.2017.

He has further stated in his evidence that he has not filed any other petition before any other Court seeking the

same relief.

5. 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 M.Subbulakshmi. 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 receive interest as specified in the schedule, is issued. The petitioners are directed to render account once in a year.

Sd/-C.V.K.J

12.10.2017

//Certified to be a true copy//
Dated this the day of 2017.

EM/27.10.2017

COURT OFFICER

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