

O.P.No.179 of 2016**K.KALYANASUNDARAM, J.,**

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 petitioner.

2. It is the case of the petitioner that Mr.N.K.Balasubramanian died on 11.02.2008 at Sundaram Medical Foundation, Chennai. The deceased N.K.Balasubramanian ordinarily resided at Plot No.K-71, New No.5, Anna Nagar East, Chennai 600 102 and he left the properties described in the schedule. The deceased N.K.Balasubramanian died intestate and though due and diligent search has been made for a Will, none has been found. The petitioner is the wife of the deceased and the first and second respondents are the sons of the deceased N.K.Balasubramanian. The petitioner stated that her sons, who are the respondents herein, have no objection in granting succession certificate in favour of her and they have filed the consent affidavits for that purpose. The succession certificate is required for the

purpose of collecting the value of shares specified in the schedule to the petition standing to the credit of the deceased viz., N.K.Balasubramanian. The assets in respect of which the succession certificate is required are of the value of Rs.1,11,04,987.80/-. 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 delegate or to any High Court. Hence, the petitioner has approached this Court for grant of succession certificate in favour of the petitioner with power to collect the debts and to receive the interest and dividends thereon and negotiate and transfer the securities as specified in the schedule.

3. The petitioner examined himself as P.W.1 and marked Exs.P1 to P6 viz.,

Ex.P.1 is the original death certificate of the petitioner's deceased husband N.K.Balasubramanian, who died on 11.02.2008.

Ex.P.2 is the original Legal Heirship certificate dated 04.01.2013 in respect of the petitioner's deceased husband.

Ex.P.3 is the original holding statement as on 2nd September 2015 in respect of the petitioner's deceased husband issued by HDFC Bank.

Ex.P.4 is the consent affidavit given by the first respondent.

Ex.P.5 is the consent affidavit given by the second respondent.

Ex.P.6 is the copy of paper publication effected in one issue of Tamil Daily "Makkal Kural" dated 22.12.2016.

4. She has further stated in her evidence that she 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 petitioner, I am satisfied that the petitioner has succeeded the Estate of the deceased viz., N.K.Balasubramanian. Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate to the petitioner with power to collect the debts and to receive the interest and dividends thereon and negotiate and transfer the securities as specified in the schedule, is issued. The petitioner is directed to render account once in a year.

04.04.2017

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