

O.P.No.734 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 second petitioner.

2. It is the case of the petitioners that the deceased Balakrishnan died intestate on 17.09.2002 at No.954/4, Panna Palace, Lakshmana Swami Salai, K.K.Nagar, Chennai-600 078. The deceased was ordinarily residing at the above said address. The deceased died intestate and though due and diligent search has been made for a Will, none has been found. The first petitioner is the wife of the deceased and the second petitioner is the son of the deceased. The Succession Certificate is required for the purpose of transmission of shares and dividends standing to the credit of the deceased S.Balakrishnan. The said assets in respect of which the Succession Certificate is required are of the value of Rs.12,52,610/-. 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 with power to collect the securities and to receive the interest and dividends thereon and negotiate and transfer the securities as specified in the schedule. The 1st petitioner is filing her consent affidavit, expressing her no objection for

grant of Succession Certificate in favour of the second petitioner. Therefore, it is not intended to serve notice of this petition on anyone.

3. The second petitioner was examined as P.W.1 and marked Exs.P1 to P4 viz.,

Ex.P1 is the Original Death Certificate of the deceased S.Balakrishnan, who died on 17.09.2002.

Ex.P2 is the photocopy of the certified copy of the legal heir ship certificate dated 25.06.2015 in respect of the deceased.

Ex.P3 is the consent affidavit given by the 1st petitioner stating that she has no objection in granting Succession Certificate in favour of the second petitioner in respect of the debts and securities of the deceased.

Ex.P4 is a copy of paper publication effected in one issue of Tamil Daily “Malai Sudar” dated 06.11.2016.

He has further stated in his evidence that he 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 S.Balakrishnan. 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 securities and to receive interest and

dividends thereon and negotiate and transfer the securities as specified in the schedule, is issued. The second petitioner is directed to render account once in a year.

24.01.2017

vga

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vga

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