

O.P.No.777 of 2016**K.KALYANASUNDARAM, J.,**

This Petition has been filed under Section 372 of the Indian Succession Act, 1925 read with Order XXV Rule 6 of Original Side Rules, to grant succession certificate in favour of the petitioner.

2. It is the case of the petitioner that the deceased V.Seethalakshmi @ Aruna Seethalakshmi died issueless on 02.01.2012 at her residence and she was then ordinarily residing at No.17/1, Scheme Road, Mahalingapuram, Nungambakkam, Chennai - 600 034 and possessed the property within the jurisdiction of this Court. The petitioner herein and the deceased V.Seethalakshmi @ Aruna Seethalakshmi are the only daughters of late C.K.Varadarajan @ C.K.V.Rajan and the petitioner's parents have no male children. The father of the deceased died on 30.08.1977, the mother of the deceased died on 28.11.2016 and the husband of the deceased also died on 14.08.2008. The deceased died intestate and that due and diligent search has been made for her Will, but none has been found. The petitioner is the only class-II legal heir of the deceased and she had already obtained grant of Letters of Administration with regard to immovable properties, the terminal benefits and the accounts, which were lying with HDFC Life Insurance, of the deceased in O.P.No.53 of 2013, by order dated 16.08.2013. At that point of time, some of the fixed deposits and bank account were omitted to mention in

the said O.P. The deceased had deposited amounts in fixed deposits with Indian Bank, No.36, Sterling Road, Chennai - 600 034 and after her demise the petitioner had approached the bank and requested for withdrawal of the said fixed deposits in her name, but she was informed that she has to obtain succession certificate from the Court. The said assets in respect of which the Succession Certificate is required are of the value of Rs.2,29,051/-.

3. No application for Succession Certificate in respect of any debts and securities belonging to the state of the deceased have been made to any District Court or delegate or to any High Court and also no application has been made for probate of any Will of the deceased or for Letters of Administration with or without the Will annexed to their properties and credits. Hence, the petitioner has approached this Court for grant of Succession Certificate with power to collect debts and receive the interest as specified in schedule.

4. The first petitioner examined himself as PW1 and marked Exs.P1 to P11 viz.,

- i) Ex.P1 is the computer generated death certificate of her younger sister V.Seethalakshmi @ Aruna Seethalakshmi, who died on 02.01.2012.
- ii) Ex.P2 is the computer generated death certificate of her father C.K.V.Rajan, who died on 30.08.1977.
- iii) Ex.P3 is the photocopy of legal heirship certificate dated 17.03.1987 in respect of her deceased father C.K.V.Rajan.

- iv) Ex.P4 is the computer generated death certificate of her mother Rajalakshmi Rajan, who died on 28.11.2006.
- v) Ex.P5 is the photocopy of legal heirship certificate dated 23.01.2007 in respect of her deceased mother Rajalakshmi Rajan.
- vi) Ex.P6 is the photocopy of the death certificate dated 01.09.2008 in respect of her brother-in-law Captain V.Ram Mohan, the husband of V.Seethalakshmi @ Aruna Seethalakshmi.
- vii) Ex.P7 is the photocopy of the legal heirship certificate dated 10.10.2008 in respect of her deceased brother-in-law V.Ram Mohan.
- viii) Ex.P8 is the photocopy of the letter dated 09.07.2014 issued by Indian Bank, Sterling Road, Chennai in respect of the account maintained by her younger sister Seethalakshmi.
- ix) Ex.P9 are the photocopies of Fixed Deposit Receipts standing in the name of her deceased sister V.Seethalakshmi.
- x) Ex.P10 is the photocopy of the certificate of letters of Administration dated 25.10.2013 granted by the High Court, Madras in her favour in O.P.No.53 of 2013 in respect of the immovable property held by her deceased younger sister V.Seethalakshmi @ Aruna Seethalakshmi.
- xi) Ex.P11 is a copy of paper publication effected in one issue of Tamil Daily "Makkal Kural" dated 19.01.2017.

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. 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 receive the interest as specified in the schedule, is issued. The petitioner is directed to render account once in a year.

06.04.2017

pvs

K.KALYANASUNDARAM, J.,

pvs

O.P.No.777 of 2016

06.04.2017

<http://www.judis.nic.in>