

O.P.No.822 of 2016**K.KALYANASUNDARAM, J.,**

This Petition has been filed for grant of successions certificate in respect of the Saving Bank Account Amount of the deceased Rajeswari K (late) wife of L. Krishnan under Part X Section 372 of Indian Succession Act and Order XXV Rule 6 of High Court Original Side Rules.

2. It is the case of the petitioners that the first petitioner L.Krishnan is the husband of the deceased Rajeswari K and the petitioners 2 to 4 are the sons and daughter of the deceased. The deceased Rajeswari K died intestate on 08.01.2010, leaving behind the petitioners as her legal heirs to succeed to the estate. The deceased died on 08.01.2010 at Frontier Life Line (P) Ltd., and ordinarily resided at Door No.35/1, Police Commissioner Office Road, Egmore, Chennai - 600 008. The deceased left an amount of Rs.15,14,175.18 as on 23.06.2016, in the Saving Bank Account No.603601046621, in the ICICI Bank at No.20, Egmore High Road Branch, Chennai-600008, more specifically mentioned in the schedule. The deceased died intestate on 08.01.2010 and due and diligent search has been made for a will, but none has been found. The petitioners are the only class I legal heirs and they are entitled to claim equal shares of the estate. The succession certificate is required for the purpose of collecting the saving amount of Rs.15,14,175.18 as described in the schedule and the residential property is in the name of the deceased. No application has

been made to District Court or Delegate or to any High Court for probate or any Will of the said deceased or for Letters of Administration with Will or without Will annexed of her property and credits. Further, they have not made application for succession certificate in respect of any debt or securing belonging to the estate of the deceased to any District Court or Delegate or to High Court. Therefore, the petitioners pray that the Succession Certificate may be granted to the petitioners with power to collect the debts and to receive interest thereon specified in the schedule.

3. The first petitioner was examined as PW1 and marked Exs.P1 to P5, viz.,

- i. Ex.P1 is the computer generated death certificate of his wife K.Rajeshwari, who died on 08.01.2010.
- ii. Ex.P2 is the photocopy of the legal heirship certificate dated 12.02.2010 in respect of his wife K.Rajeshwari, issued by Tahsildear, Egmore-Nungambakkam Taluk.
- iii. Ex.P3 is the original statement as on 23.06.2016 given by ICICI Bank Ltd., Egmore Branch, in respect of Savings Bank Account bearing A/c.No. 603601046621, which stands in the name of the deceased wife K.Rajeshwari.
- iv. Ex.P4 is the photocopy of his passport bearing No.G 5566465.
- v. Ex.P5 is the copy of paper publication effected in one issue of Tamil Daily "Makkal Sudar" dated 03.02.2017.

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 Rajeswari K. 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 to receive interest thereon specified in the schedule, is issued. The petitioners are directed to render account once in a year.

11.04.2017

pvs

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