

O.P.No.874 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 the Madras High Court Original Side Rules, to grant succession certificate in favour of the petitioners.

2. It is the case of the petitioners that the deceased S.Ramachandran was the Petitioners' father, who died on 22.11.2014 at his residence Old No.7/17, New No.18/17, Bhargavi Apartment, 6th Avenue, Ashok Nagar, Chennai-83 and the wife of the deceased/Petitioners' mother Mrs.Sharadha died on 20.11.1996. The Petitioners are the brothers and they are the only legal heirs of the deceased S.Ramachandran. The Petitioners enclosed herewith the Legal Heirship Certificate of deceased S.Ramachandran, which is issued in their favour. The parents of deceased S.Ramachandran pre-deceased him. The deceased died intestate on 22.11.2014 and that due and diligent search has been made for a Will but none has been found. The petitioners are the sole surviving Class-I legal heirs of the deceased S.Ramachandran and the Petitioners are entitled to the share of the debts of the deceased S.Ramachandran.

3.The debt of **Rs.3,46,080/-** as on 31.03.2016 is presently in the

savings **Account No.4522534** with the Post Office working at ASPM, HSG, 11, Ashok Nagar, Chennai-600 083. After death of the deceased, the first petitioner approached the said Post office for the claim of his deceased father late S.Ramachandran's deposit in the savings account with interest vide claim application dated 08.03.2016. However, the post office directed the first petitioner to obtain a Succession Certificate from the competent Court of law to sustain for the claim of said amount. The petitioners being the only surviving legal heirs entitled to the amount of the deceased according to the Indian Succession Act. The Petitioners praying for the succession certificate only in favour of the first petitioner and the Petitioners 2 and 3 have no objection for issuing the Succession Certificate in favour of the first petitioner for receiving the entire amount of Rs.3,46,080/- (Rupees Three Lakhs Forty Six Thousand and Eighty Only) deposited in the post office.

4. There is no next of kin or other person interested to be impleaded. There is no impediment under Section 370 of the Indian Succession Act, 1925 or under any of the provisions of this Act or any other enactment for the grant of the certificate or the validity thereof if it were granted. The said assets in respect of which the succession certificate is required are of the value of Rs.3,46,080/- as on 31.03.2016.

5. The first petitioner examined himself as P.W.1 and marked Exs.P1 to P9 viz.,

Ex.P1 is the computer generated death certificate of his father S.Ramachandran, who died on 22.11.2014.

Ex.P2 is the photocopy of legal heirship certificate dated 31.05.2016 in respect of his deceased father S.Ramachandran (marked after comparing and verifying with the original).

Ex.P3 is the computer generated death certificate of his mother Sharadha, who died on 20.11.1996.

Ex.P4 is the photocopy of his Electoral ID card bearing No.TN/03/009/0123232 (marked after comparing and verifying with the original).

Ex.P5 is the photocopy of the Aadhar Card of the second petitioner bearing No.599240044438 (marked after comparing and verifying with the original).

Ex.P6 is the photocopy of the Driving License of the third petitioner bearing No.TN09 20070016462 (marked after comparing and verifying with the original).

Ex.P7 is the photocopy of Postal Savings Bank Pass Book for the account maintained by my deceased father S.Ramachandran bearing A/c.No.4522534. (marked after comparing and verifying with the original).

K.KALYANASUNDARAM, J.,

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Ex.P8 is the photocopy of the letter submitted by me to the Post Master, Ashok Nagar Post Office, Chennai-83. (Witness says that the original of the same was submitted to the aforesaid post office).

Ex.P9 is one copy of paper publication effected in one issue of Tamil Daily "Makkal Kural" dated 08.02.2017.

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

6. 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.Ramachandran. Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate to the first petitioner with power to collect, is issued. The petitioners are directed to render account once in a year.

08.05.2017

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O.P.No.874 of 2016

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