

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 10TH DAY OF JULY 2018

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

O.P.No.144 of 2018

In the matter of Indian
Succession Act XXXIX of 1925

And

In the matter of securities in
respect of Smt.S.Rajeswari
Ammal (died) intestate

1.S.S.Prabahar,
S/o.Late.S.Shunmugam
& Mrs.S.S.Rajeswari Ammal
No.30, Ramamoorthy Road,
I.C.A.Colony,
Virudhunagar - 626 001.

2.Mrs.Sasikala @ Sasikala Devi,
W/o Dhanasekaran
D/o Late S.Shunmugam
&Mrs.S.S.Rajeswari Ammal
No.75/14/1, Ramamoorthy Road,
First Street, Virudhunagar - 626 001.

3.Mrs.Akila @ Akila Devi,
W/o.Devarajan
D/o Late S.Shunmugam
&Mrs.S.S.Rajeswari Ammal
No.30/2, Nagasamy Nagar,
Anna Nagar 8th Street,
Tirumangalam
Madurai 625 706.

4.S.S.Maries Sudhagar,
S/o.Late S.Shunmugam
&Mrs.S.S.Rajeswari Ammal,
Old No.54, New No.95,
Kasappukarar Street
Virudhunagar - 626 001

...Petitioners

vs

NIL

...Respondent

Original petition Application praying that this Hon'ble Court be pleased to a Succession Certificate may be granted to the petitioners with power to collect the securities and to receive the interest and dividends on and negotiate and transfer the securities specified in the Schedule hereto.

This Original Petition coming on this day before this court for hearing, the court made the following order:

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 petitioners.

2. Heard the learned counsel for the petitioners.

3. It is the case of the petitioners that the petitioners are the sons and daughters of the deceased S.S.Rajeswari Ammal. The deceased S.S.Rajeswari Ammal died

on 17.12.2014. The petitioners are the Class - I legal heirs of the deceased S.S.Rajeswari Ammal. The father of the petitioners S.S.Shunmugam died on 25.11.2015. The deceased died intestate and though due and diligent search has been made for a Will, none has been found in respect of the debts mentioned in the schedule. The deceased left the amount specified in the Schedule, within the jurisdiction of this Court. The succession certificate is required for the purpose of collecting the debts. Hence, the petitioners have approached this Court for grant of succession certificate in favour of the petitioners with power to collect the debts as specified in the schedule.

4. The fourth petitioner was examined as P.W.1 and marked Exs.P1 to Ex.P.10.

5. P.W.1 in his evidence had narrated the averments made in the petition stating that the petitioners have filed this petition for grant of Succession Certificate in favour of the petitioners. Ex.P.1 is the copy of the death certificate of the deceased S.S.Rajeswari Ammal. Ex.P.1 has been filed to prove that the deceased died on 17.12.2014. Ex.P.2 is the legal heirship certificate of the mother of

the petitioners. Ex.P.2 shows that the petitioners and the father of the petitioners are the legal heirs of the deceased. Ex.P.3 is the death certificate of the father of the petitioners. Ex.P.3 shows that the father of the petitioners, S.S.Shunmugam died on 25.11.2015. Ex.P.4 is the legal heirship certificate of the father of the petitioners. Ex.P.4 shows that the petitioners are the legal heirs of the father of the petitioners. The father of the petitioners, who had inherited 1/5th share of the properties of their mother, had bequeathed the above share in favour of the fourth petitioner under a Will dated 30.03.2015. The said Will has been marked as Ex.P.5. Ex.P.8 is the copy of share certificate left by the deceased S.S.Rajeswari Ammal. Ex.P.9 is the joint consent affidavit given the petitioners 1, 2 and 3 for grant of succession certificate in favour of the fourth petitioner. As per Ex.P.10, paper publication has also been taken out and none has objected for it.

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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.S.Rajeswari Ammal. Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate in favour of the petitioners with power to collect the securities and to receive dividends on and negotiate and transfer the securities specified in the schedule, is issued.

Sd/.N.S.K.J

10.07.2018

//Certified to be a true copy//

Dated this the th day of 2018.

DL/24.10.2018

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.

सत्यमेव जयते

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