

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 19TH DAY OF JUNE 2018

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

O.P.No.1047 of 2017

In the matter of the Indian
Succession Act XXXIX of 1925
And

In the matter of securities of
R.Krishnan - Deceased -
Intestate

1. Mr.Ganeson,
S/o. late R.Krishnan,
B-01-07 Palm Court,
Jalan Berhala,
Brickfields,
50470 Kuala Lumpur.

2. Mrs.Rajalakshmi,
W/o.late R.Krishnan,
B-01-07 Palm Court,
Jalan Berhala,
Brickfields,
50470 Kuala Lumpur.

..Petitioners

1. Mr.Ramasamy Krishnan,
S/o. late R.Krishnan,
34, Segar Road,
Blossom Residences,
Unit 12-26,
Singapore - 677723.

2. Mrs.Radha Sundar
W/o. Sundar and D/. late R.Krishnan,
No.23, South Perumal Koil,
1st lane, Vadapalani,
Chennai 600 026.

3. Mr.Subramanian Krishnan,
S/o. late R.Krishnan,
30, Sister City way,
Gilroy 95020,
California,
United States of America.

: Respondents

<https://hcservices.ecourts.gov.in/hcservices/>

Original petition Application praying that this Hon'ble
Court be pleased to grant a succession certificate to the

1st petitioner with power to collect the debts and to receive the interest specified in the schedule hereunder.

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 first petitioner.

2. Heard the learned counsel for the petitioners.

3. It is the case of the petitioners that the first petitioner, first and third respondents are sons and the second respondent is the daughter of the deceased R.Krishnan and the second petitioner is the wife of the deceased. The deceased R.Krishnan died on 17.01.2017. 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 deceased left the petitioners and the respondents to succeed his estate as his legal heirs. The succession certificate is required for the purpose of collecting the debts. The second petitioner and the respondents have given consent for grant of succession certificate in favour of the first petitioner. Hence, the petitioners have approached this Court for grant of succession certificate in favour of the first petitioner with power to collect the debts as specified in the schedule.

4. The first petitioner was examined as P.W.1 and marked Exs.P1 to Ex.P.15.

5. P.W.1 in his evidence had narrated the averments made in the petition stating that the petitioner has filed this petition for grant of Succession Certificate in favour of the first petitioner. Ex.P.1 is the copy of the Will executed by the deceased R.Krishnan on 27.03.2008. Ex.P.2 is the death certificate of the deceased R.Krishnan.

Ex.P.2 has been filed to prove that the wife of the petitioner died on 17.01.2017. Ex.P.3 is the copy of the probate order dated 02.06.2017 given by the High Court of Malaya at Kuala Lumpur. Ex.P.4 is the copy of the Bank Passbook of the deceased. Ex.P.12 is the consent affidavit given by the first respondent stating that he has no objection for grant of succession certificate in favour of the first petitioner. Ex.P.13 is the consent affidavit given by the second respondent for grant of succession certificate in favour of the first petitioner. Ex.P.14 is the consent affidavit given by the third respondent for grant of succession certificate in favour of the first petitioner. As per Ex.P.15 paper publication has also been taken out and none has objected for it.

6. 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 R.Krishnan. Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate in favour of the petitioner with power to collect the debts and to receive the interest specified in the schedule, is issued.

Sd/.N.S.K.J

19.06.2018

//Certified to be a true copy//

Dated this the th day of 2018.

KY/30.08.2018

COURT OFFICER

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