

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 26th DAY OF FEBRUARY 2018

THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

O.P. No.264 of 2017

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

In the matter of debts of
N.Ravikumar (Intestate)

1. Vittabai,
W/o.Late.C.P.Kumarasamy,
No.3, 1st Main Road, Kovilan Nagar,
Pallikaranai, Chennai - 600 100.

2. K.Chandrasekar,
S/o.Late.Kesavaram,
No.1194, Pillaiyar Kovil Street,
Nachiyar Sathiram,
Nadukuthuagai - 602 024,
Thiruvallur District.

3. K.Shanmugam,
S/o.Late.Kesavaram,
No.81/7, Mettu Street,
Periyakuppam,
Thiruvallur 602 001.

4. M.Usharani,
D/o.Late.Kesavaram,
W/o.Mani,No.2, Ganesh Nagar,
Vinayagapuram,
Kolathur,
Chennai 600 099.

5. R.Gajalakshmi,
D/o.Late.Kesavaram,
W/o.Rajasekar,
No.56B, S V N Pillai Street,
Big Kancheepuram.

6. K.Ramachandran,
S/o.Late.Kesavaram,
No.2/3, Ayya Street,
Royapettah, Chennai 600 014.

...Petitioners

Original Petition praying that this Hon'ble Court be pleased to be granted to the 2nd petitioner with power to collect the debt and receive the interest and 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, 1925 read with Order XXV Rule 6 of the Madras High Court Original Side Rules, to grant succession certificate in favour of the 2nd petitioner, K.Chandrasekar.

2. Heard the learned counsel for the petitioners.

3. It is the case of the petitioners that N.Ravikumar died intestate on 17.02.2010. The deceased N.Ravikumar did not marry during his lifetime and died issueless. His father Late.A.Nainiyappan died on 07.04.1992 and his mother Late.Rajeswari died on 14.08.1998 and they predeceased N.Ravikumar. The 1st petitioner is the deceased N.Ravikumar's paternal aunt i.e., fathers sister (Aunt). The other petitioners 2 to 6 are the legal heirs of the

deceased Aunt Kowsalya. The deceased at the time of death left the petitioners as his only next of kin, his aunt and cousins as Class-II legal heirs. The deceased N.Ravikumar ordinarily resided at K30, 1st Avenue, Anna Nagar East, Chennai - 600 102. The deceased N.Ravikumar held a Savings Bank Account and Fixed Deposit Account with the "The Tamilnadu State Apex Co-Operative Bank Ltd.," Anna Nagar Branch, Chennai. The deceased operated a Savings Bank Account in the above bank in Account No.13348 and had four fixed deposit accounts in FD Nos.538819, 538820, 539901 and 465660. The petitioners were able to trace the savings bank pass-book and the fixed deposit receipts except two receipts bearing No.538819 and 538820, which are not traceable. The Savings Bank Account and Fixed Deposit Account has been described in the schedule.

4. The petitioners submit that the Succession Certificate is required for the purpose of collecting the Securities from "Tamil Nadu State Apex Co-Operative Bank Ltd.", due to the deceased. The said assets (Securities) in respect of which the Succession Certificate is required are of the value of Rs.3,90,191/- (Rupees Three lakhs Ninety Thousand One Hundred and Ninety One Only). No application for a succession certificate has been made to any District Court or delegate or to any High Court. Hence, these petitioners have approached this Court for grant of succession certificate in the name of 2nd Petitioner, K.Chandrasekar with power to collect the debt and receive the interest as specified in the schedule.

5. The 2nd petitioner examined himself as P.W.1 and marked Exs.P1 to P14 viz.,

Ex.P1 is the computer generated death certificate of the deceased N.Ravikumar, who died on 17.02.2010.

Ex.P.2 is the computer generated death certificate of P.W1's maternal uncle A.Nainiappan, who died on 07.04.1992.

Ex.P.3 is the computer generated death certificate of Mrs.N.Rajeswari (Wife of P.W.1's maternal uncle A.Nainiappan), who died on 14.08.1998.

Ex.P.4 is the photocopy of fixed deposit receipt in the Tamil Nadu State Apex Co-operative Bank Limited bearing D.R.No.465660.

Ex.P.5 is the photocopy of fixed deposit receipt in Tamil Nadu State Apex Co-operative Bank Limited bearing D.R.No.539091.

Ex.P.6 is the photocopy of legal heirship certificate dated 18.08.2010

Ex.P7 is the photocopy of bank pass book in Tamil Nadu State Apex Co-operative Bank Limited in Anna Nagar branch bearing account No.13348 held by the deceased N.Ravikumar.

Ex.P8 is the consent affidavit given by the 1st petitioner stating that she has no objection in granting succession certificate in P.W.1's favour.

Ex.P9 is the consent affidavit given by the 3rd petitioner stating that he has no objection in granting succession certificate in favour of P.W1.

Ex.P10 is the consent affidavit given by the 4th petitioner stating that she has no objection in granting succession certificate in favour of P.W1.

Ex.P11 is the consent affidavit given by the 5th petitioner stating that she has no objection in granting succession certificate in favour of P.W1.

Ex.P12 is the consent affidavit given by the 6th petitioner stating that he has no objection in granting succession certificate in favour of P.W1.

Ex.P13 is the copy of paper publication effected in one issue of Tamil daily "Thina Boomi" dated 11.07.2017.

Ex.P14 is the photocopy of fixed deposit in the Tamil Nadu State Apex Co-operative Bank Limited bearing D.R.No.538820.

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 N.Ravikumar. Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate in

the name of 2nd Petitioner, K.Chandrasekar with power to collect the debts and to receive the interest, as specified in the schedule. The 2nd petitioner is directed to render account once in a year.

Sd/.C.V.K.J

26.02.2018

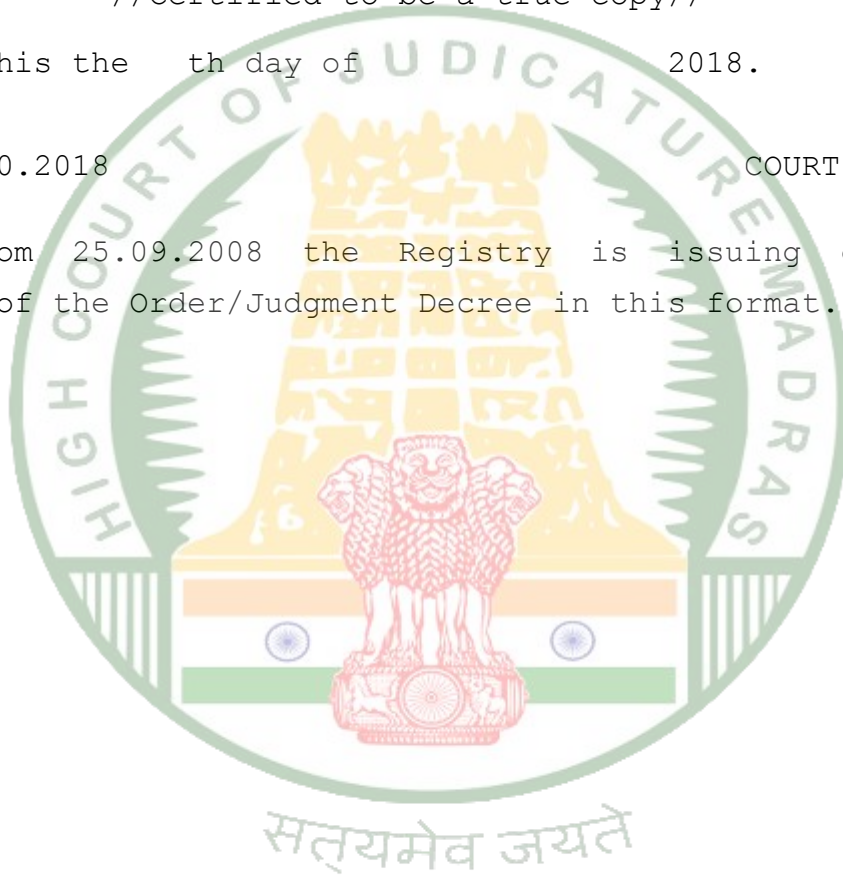
//Certified to be a true copy//

Dated this the th day of 2018.

DL/12.10.2018

COURT OFFICER

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



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