

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 01ST DAY OF FEBRUARY 2018

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

O.P. No.443 of 2017

In the matter of Indian
Succession Act XXXIX of 1925.

And

In the matter IN respect of
certain sunanda Kotha
Gopikrishna died Intestate

1. Mr.K.V.Gopikrishna
9/2 Raghavendra 1st Street,
Balaiah Garden, Sadasivam Nagar
Madipakkam,
Chennai 600091.

2. Minor Nandakishore

And

3. Minor Vishvapriya
Both minors represented by
Father and Natural Guardian
Mr.K.V.Gopikrishna

सत्यमेव जयते

... Petitioners 1 to 3

Original petition praying that this Hon'ble Court be
pleased to that the succession certificate may be granted to
Mr.K.V.Gopikrishna with power to collect the debts to receive
the interest specified in the schedule.

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 Part 2
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 Mr.K.V.Gopikrishna.

2. Heard the learned counsel for the petitioners.

3. It is the case of the petitioners that Mrs. Sunantha Kotha, wife of Mr.K.V.Gopikrishna, died on 04.07.2015 at Royapettah Government Hospital, Chennai, leaving behind her husband and two minor children as her only Class- I legal heirs. The deceased ordinarily residing at No.9/2 Raghavendra 1st Street, Balaiah Garden, Sadasivam Nagar, Madipakkam, Chennai - 600 009. The deceased died intestate and though due and diligent search has been made for a Will, none has been found.

4. The succession certificate is required for the purpose of claiming the death and terminal benefits standing in the name of the deceased in IDBI Bank. The said assets in respect of which the succession certificate is required are of the value of Rs.22,23,953.00/-. No application for a succession certificate has been made to any District Court or delegate or to any High Court. Hence, the petitioners have approached this Court for grant of succession certificate to the first petitioner with power to collect the debts to receive the interest specified in the schedule.

5. The first petitioner examined herself as P.W.1 and he has also filed proof affidavit in support his claim and also on behalf of his two minor children and he had narrated the averments made in the petition and marked Exs.P-1 to P-6 viz.,

Ex.P1 is the computer generated death certificate of my wife Sunantha, who died on 04.07.2015.

Ex.P2 is the Photocopy of Legal heirship Certificate dated 18.04.2016 in respect of my deceased wife Sunantha.

Ex.P3 is the office copy of the letter dated 20.06.2016 sent by me to the Branch Manager, IDBI Bank, St. Thomas Mount, Chennai.

Ex.P4 is the Office copy of the letter dated 16.08.2016 sent by me to the Branch Manager, IDBI Bank, St. Thomas Mount, Chennai.

Ex.P5 is the original reply letter dated 25.08.2016 sent to me by the Assistant General Manager of IDBI Bank, Head Office, Mumbai.

Ex.P6 is copy of paper publication effected in one issue of Tamil daily "Maalai Sudar" dated 31.08.2017.

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 above stated facts and circumstances, I am satisfied that the first petitioner has succeeded to the Estate of the deceased. Therefore, this Petition is ordered as prayed for and a direction for grant of Succession Certificate to the first petitioner, namely, Mr.K.V.Gopikrishna, power to collect the debts to receive the interest specified in the schedule, is issued.

Sd/.C.V.K.J

01.02.2018

//Certified to be a true copy//

Dated this the th day of 2018.

KY/27.09.2018

COURT OFFICER

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