

O.P.No.684 of 2017

N.SATHISH KUMAR, J.

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 first petitioner is the third wife of the deceased Lokarajulu and the first and second wife of the said Lokarajulu have already died. The second petitioner is the daughter of the said Lokarajulu through his first wife and the third petitioner is the son of the said Lokarajulu through his second wife and the fourth and fifth petitioners are the sons of the said Lokarajulu through the third wife, namely the first petitioner herein. The deceased died intestate and though due and diligent search has been made for a Will, none has been found. 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. 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 in their name 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.13.

5. P.W.1 in his evidence has stated that the second and third and fifth petitioners are his sisters and the fourth petitioner is his brother. Ex.P.1 is the death certificate of the said Lokarajulu. Ex.P.9 is the legal heir certificate of Lokarajulu. Ex.P.9 shows that the petitioners are the legal heirs of the said Lokarajulu. Another son of Lokarajulu namely Janakiraman also died on 03.03.1995 and in respect of which Ex.P.10 death certificate has been filed. The second wife of Lokarajulu, Kanakavalli died on 29.01.1951 in respect of which Ex.P.11 death certificate has also been filed. 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 petitioners, I am satisfied that the petitioners

have succeeded the Estate of the deceased Lokarajulu. Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate to the petitioners with power to collect the securities and to receive the interest and dividends thereon and negotiate and transfer the securities as specified in the schedule, is issued.

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