

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 20TH DAY OF FEBRUARY 2018

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

O.P.No. 777 of 2017

In the matter of Indian
Succession Act XXXIX of 1925
and
In the matter of securities of
Mr.T.P.Mathew deceased
intestate

Mr.Varghese P.Mathew
No.4A/4B, Pushpa Avenue,
MGR Salai,
Palavakkam,
Chennai 600 041

..Petitioner

VS

1. Mrs.Thankamma Mathew
No.11, Yogi Gardens,
Taramani P.O.
Pallipattu,
Chennai 600 113

2. Mrs.Susan Thomas
Thompil House,
Kuriannoor P.O
Thiruvalla, Pathanamthitta
Kerala 689 550.

3. Mr.Thomas P.Mathew
No.11, Yogi Gardens,
Taramani P.O.
Pallipattu,
Chennai 600 113

..Respondents

Original petition praying that this Hon'ble Court be pleased to a Succession Certificate may be granted to the Petitioner with Power to collect the securities and to receive interest, dividend and negotiate and transfer the securities 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 petitioner.

2. Heard the learned counsel for the petitioner.

3. It is the case of the petitioner that T.P.Mathew died intestate on 21.03.2016. The petitioner and the respondents are the only legal heirs entitled to succeed the estate of T.P.Mathew. The deceased was father of the petitioner. The first respondent is the wife of the deceased and the second and third respondents are the daughter and elder son of the deceased. The deceased T.P.Mathew, ordinarily resided at Old No.5, New No.11, Yogi Gardens, Pallipattu, Chennai - 600 113. The succession certificate is required for the purpose of obtaining the amount payable to the credit of late T.P.Mathew. The amount due in respect of which the Succession Certificate is required at present of the value of Rs.15,15,218.32 (Rupees Fifteen Lakhs Fifteen Thousand Two Hundred and Eighteen and paise thirty two only). No application for a succession certificate has been made to any District Court or delegate or to any High Court. Hence, petitioner has approached this Court for grant of succession certificate in the name of the Petitioner with power to collect the debts and to receive the interest, as specified in the schedule.

4. The 1st petitioner examined himself as P.W.1 and marked Exs.P1 to P7 viz.,

Ex.P1 is the computer generated death certificate of P.W1's father T.P.Mathew, who died on 21.03.2016.

Ex.P.2 is the photocopy of the certified copy of the Legal Heirship Certificate dated 21.07.2016 respect of P.W1's father T.P.Mathew.

Ex.P.3 is the original statement of holding as on 25.07.2017 in respect of the demate account held by P.W1's father T.P.Mathew.

Ex.P.4 is the consent affidavit given by the 1st respondent.

Ex.P.5 is the consent affidavit given by the 2nd respondent.

Ex.P.6 is the consent affidavit given by the 3rd respondent.

Ex.P7 is the copy of paper publication effected in one issue of Tamil daily "Makkal Kural" dated 12.12.2017.

He has further stated in his evidence that he has not filed any other petition before any other Court seeking the same relief.

5. Considering the averments made in the petition and the documents filed by the petitioner, I am satisfied that the petitioners have succeeded the Estate of the deceased T.P.Mathew. Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate to the petitioner with power to collect the securities and to receive the interest, dividend and negotiate and transfer the securities as specified in the schedule.

Sd/C.V.K.J

20.02.2018

//Certified to be a true copy//

Dated this the th day of 2018.

KY/27.06.2018

COURT OFFICER

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