

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(TESTAMENTARY AND INTESTATE JURISDICTION)

FRIDAY, THE 2ND DAY OF MARCH 2018

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

O.P.NO.824 of 2017

In the matter of Indian
Succession Act XXXIX of
1925
and
In the matter debts of
V.J.Prasad Rao (Deceased)

1.Y.D.Vijayamma,
W/o.Y.Devasahayam,
No.22/4, K.N.M Street, 1st Lane,
Choolai, Chennai-112.

2.Victoriamma,
W/o.E.Kondaiah,
No.22/4, K.N.M Street, 1st Lane,
Choolai, Chennai-112.

3.K.Suguna Suseela,
W/o.K.Israel,
Vr;ohsmf;s Village, Kanigiri Taluk,
Prakasam District.

4.A.Jessy Kamalabhai,
W/o.A.Chandrasekar
No.38, K.N.M.Street,
Choolai, Chennai-112.

5.Y.D.Dayamani,
D/o.Y.J.Devadoss,
No.16/31, K.N.M.Street,
Choolai, Chennai-112.

6.Y.D.Anthony Babu,
S/o.Y.J.Devadoss,
No.16/31, K.N.M.Street,
Choolai, Chennai-112.

7.Y.D.Bhaskar Rao,
S/o.Y.J.Devadoss,
No.16/31, K.N.M.Street,
Choolai, Chennai-112.

8.G.Saramma,
W/o.G.Prabhakar
No.16/31, K.N.M.Street,
Choolai, Chennai-112.

9.Y.J.Visuranthamma,
W/o.E.C.Prasad Rao,
No.16/31, K.N.M.Street,
Choolai, Chennai-112.

.. Petitioners

Original Petition praying this Hon'ble Court be pleased to Succession certificate may be granted to the 7th Petitioner with the power to collect the debts and to receive interest and more fully 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 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 Y.J.Prasad Rao died intestate on 30.03.2017. The deceased died bachelor and intestate, during his lifetime ordinarily resided at Chennai No.16/31, Kattur Nallmuthu Achari Street, Choolai, Chennai-112 and left the amount credited/deposited in his bank account specified in the schedule hereto. The father of the petitioners 1 to 7 i.e., Y.J.Devadass, his brother Y.J.Prasad Rao (since deceased) and their sisters being the 8th petitioner and the 9th petitioner respectively are the daughters of Y.Yacob and Yelakapatti Mariamma. The said Y.J.Prasad Rao was working in Southern Railway as Junior Engineer and after attaining

superannuation, he was receiving family pension. The deceased Y.J.Prasad Rao, is the paternal uncle of the Petitioners 1 to 7 (their father's brother) and brother of the 8th and 9th Petitioners. As such, the petitioners are the legal heirs of the deceased Y.J.Prasad Rao.

4. The deceased Y.J.Prasad Rao was holding a sum of Rs.91,525.81/- to his credit as on 31.05.2017 in his Bank Account maintained in Canara Bank, Vepery Branch, Chennai - 600 112. His Bank Account Number is 13371435. The succession certificate is required is of the value of Rs.91,525.81/-. 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 the 7th Petitioner Y.D. Bhaskar Rao with the power to collect the debts and to receive interest, as specified in the schedule.

5. The 7th petitioner examined herself as P.W.1 and marked Exs.P1 to P9 viz.,

Ex.P1 is the original Legal Heirship Certificate dated 11.03.2004 in respect of P.W.1's paternal grand father Y.Yacob.

Ex.P2 is the original death certificate of P.W.1's deceased father Y.J.Devadoss, who died on 15.01.2005.

Ex.P3 is the photocopy of the Family Card of P.W.1's paternal uncle Y.J.Prasad Rao bearing No.01/G/0282117.

Ex.P4 is the original Pension Payment Order of P.W.1's deceased paternal uncle Y.J.Prasad Rao.

Ex.P5 is the photocopy of the Aadhaar Card of Y.J.Prasad Rao bearing No.6166 0678 9525.

Ex.P6 is the computer generated copy of the death certificate of Y.J.Prasad Rao, who died on 30.03.2017.

Ex.P7 is the original Canara Bank Passbook bearing account no.0943101011950 in respect of P.W.1's uncle Y.J.Prasad Rao.

Ex.P8 is the photocopy of the application dated 18.08.2017 submitted by P.W.1 to the Tashildar, Fort-Tondia Pet.

Ex.P9 is a copy of paper publication effected in one issue of Tamil daily "Maalai Sudar" dated 08.12.2017.

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

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 Y.J.Prasad Rao. Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate to the 7th petitioner Y.D.Bhaskar Rao, with power to collect the debts and to receive the interest, as specified in the schedule. The 7th petitioner is directed to render account once in a year.

Sd/.C.V.K.J

02.03.2018

//Certified to be a true copy//
Dated this the day of 2018

JJ 03/05.2018

COURT OFFICER

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