

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 25TH DAY OF APRIL 2018

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

O.P.No. 826 of 2017

In the matter of Indian
Succession Act XXXIX of 1925
and
In the matter of debts
belonging to the deceased
Dr.K.M.Shyamprasad, died
intestate

Mrs.Ramola Zacharia

..Petitioner

Vs

1. Mrs.Premanjali Rao
- 2) Mrs.Renuka Rajaratnam

...Respondents

Original petition praying that this Hon'ble Court be pleased to grant a Succession Certificate to the petitioner with Power to collect the debts and to receive the interest 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, 1956 to grant succession certificate in favour of the petitioners.

2. It is the case of the petitioner that the deceased Dr.Kunchala Michael Shyamprasad, called as Dr.K.M.Shyamprasad, died on 25.03.2017 and he was ordinarily residing at No.403-B, Prince Garden, 4th Floor, No.40, Thambu Swamy Road, Kilpauk, Chennai 600 010. The petitioner is the sister of the deceased and the respondents are other sisters of the deceased.

Though said Dr.K.M.Shyamprasad married one Dr.Sheila Shyamprasad on 24.10.1985, the said marriage was dissolved by a decree of divorce by the I Additional Family Court Judge at Chennai in F.C.O.P.No.2142/2005 on 06.12.2005. The deceased died intestate and though due and diligent search has been made for a Will, none has been found. According to the petitioner, she is the Class-II legal heir of the deceased and is entitled to the share of the estate. The succession certificate is required for the purpose of transmission of shares. The said assets in respect of which the succession certificate is required is of the value of Rs.27,94,494/- No application for a succession certificate in respect of any Shares or debt or securities belonging to the estate of the said deceased has been made to any District Court or delegate or to any High Court.

3. The petitioner examined herself as P.W.1 and marked Exs.P1 to P6.

(i)Ex.P1 is the certified copy of the order dated 06.12.2005 passed in F.C.O.P.No.2142/2005.

(ii)Ex.P2 is the computer generated death certificate of my deceased brother Dr.K.M.Shyamprasad, who died on 25.03.2017.

(iii)Ex.P3 is the computer generated copy of the death certificate of my deceased father K.Rajaratnam, who died on 07.04.2010.

(iv)Ex.P4 is the photocopy of the legal heirship certificate dated 07.09.2011 in respect of the petitioner's deceased father.

(v).Ex.P5 is the photocopy of the statement of account issued by Vijaya Bank bearing account

No.304401301000014 in the name of her deceased brother.

(vi)Ex.P6 is a copy of paper publication effected in one issue of Tamil Daily "Makkal Kural" dated 27.03.2018. He has further stated in his evidence that he has not filed any other petition before any other Court seeking the same relief.

4. Considering the averments made in the petition and the documents filed by the petitioner, I am satisfied that the petitioner and the respondents have succeeded the Estate of the deceased Dr.K.M.Shyamprasad. Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate to the petitioner and the respondents, with power to collect the debts and to receive the interest specified in the schedule.

Sd/N.S.K.J

25.04.2018

//Certified to be a true copy//

Dated this the th day of 2018.

KY/28.06.2018

COURT OFFICER

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