

O.P.No.57 of 2018

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 fifth petitioner.

2. Heard the learned counsel for the petitioners.

3. It is the case of the petitioners that the petitioners 1 to 3 are the sisters of late Sivalingam and the petitioners 4 and 5 are the brothers of late Sivalingam. The said Sivalingam was not married and he died on 07.11.2017. 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 deceased left the petitioners to succeed his estate as his legal heirs. 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 favour of the fifth petitioner with power to collect the debts as specified in the schedule.

4.The fifth petitioner was examined as P.W.1 and marked Exs.P1 to Ex.P.7.

5. P.W.1 in his evidence has stated that the petitioners 1 to 3 are his sisters and fourth petitioner is his brother. Ex.P.1 is the copy of the legal heirship certificate of the father of the petitioners dated 24.11.2003 of the petitioners. Ex.P.1 has been filed to show that the petitioners and the deceased Sivalingam are the legal heirs of their father. Ex.P.2 is the copy of the death certificate of the deceased Sivalingam. Ex.P.2 shows that the brother of the petitioners Sivalingam died on 07.09.201. Ex.P.3 and Ex.P.4 series are the fixed deposit receipts in the name of the deceased Sivalingam. Ex.P.5 and Ex.P.6 are the front page of bank pass books in the name of the deceased Sivalingam. Ex.P.3 to Ex.P.6 have been filed to show that the deceased left the assets in the bank. The deceased is unmarried. The petitioners 1 to 4 have pleaded in the petition to grant succession certificate in the name of the fifth petitioner. 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 Sivalingam. Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate in favour of the fifth petitioner with power to collect the debts and interest as specified in the schedule, is issued.

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06.06.2018



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