

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 02ND DAY OF AUGUST 2018

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

O.P.No.989 of 2017

In the matter of Indian
Succession Act, 1925
and
In the matter of debt
belonging to K.M.Umesh
(deceased) intestate

U.Vijayalakshmi
W/o.K.M.Umesh (Late)
18/653, 8th Street
D Sector
Anna Nagar Western Extension
Chennai 600 101.

...Petitioner

-Vs-

1.U.Vijayasri
D/o.K.M.Umesh (late)
No.18/653, 8th Street,D Sector
Anna Nagar Western Extension
Chennai 600 101.

2.U.Balakrishnan
S/o.K.M.Umesh (late)
No.18/653, 8th Street,D Sector
Anna Nagar Western Extension
Chennai 600 101.

...Respondents

Original petition Application praying that this
Hon'ble Court be pleased to grant succession certificate to
the petitioner with Power to collect the debts and to
receive the interest specifically shown in the schedule.

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 in respect of certain debts belonging to the deceased under Part X of the Indian Succession under Order XXV Rule 6 of O.S Rules.

2. It is the case of the petitioners that the deceased K.M.Umesh, died on 10.05.2014 and he was ordinarily residing at No.18/653, 8th Street, 'D' Sector, Anna Nagar Western Extension, Chennai 600 101. The petitioner is the second wife, the respondents are the daughter and son of the first wife of the deceased. The first wife died on 21.04.1986. Thereafter, the petitioner was married to the deceased. The deceased died intestate and though due and diligent search has been made for a Will, but none has been found. According to the petitioner, they are the only legal heirs of the deceased. The daughter and son of the first wife of the deceased got married and they have also given no objection to the petitioner to receive the accumulated pension and the monthly pension from the Tamil Nadu Electricity Board and the petitioner is the legally wedded wife. The succession certificate is required for the purpose of receiving the monthly pension and the pension arrears. The said assets in respect of which the

succession certificate is required is of the value of Rs.4,76,560/-. No application for a succession certificate in respect of any debts 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 1st petitioner examined herself as P.W.1 and marked Exs.P1 to P9.

Ex.P1 is the certified copy of the marriage invitation card issued by the officials of Tiruvarur Taluk Pulivakam Sri.Venkatachalapathi Perumal Sannathi.

Ex.P2 is the original death certificate of the deceased K.M.Umesh, who died on 10.05.2014.

Ex.P4 is the original legal heir certificate dated 26.08.2016 in respect of her deceased husband.

Ex.P5 is the computer generated copy of the petitioner's pension scheme report for the month of February 2014 in respect of her husband.

Ex.P6 & Ex.P7 are the consent affidavit given by the respondents.

Ex.P8 is the original pension dated 17.09.2014 issued by TNEB Offices.

Ex.P9 is the copy of the paper publication effected in one issue of Tamil Daily "Maalai Sudar" dated 03.02.2018. She has further stated in her evidence that she has not

4. Considering the averments made in the petition and the documents filed by the petitioner, I am satisfied that the petitioner has succeeded the Estate of the deceased K.M.Umesh. Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate to the petitioner, with power to collect the debts and to receive the interest specifically shown in the schedule, is issued. The petitioner is directed to render account once in a year.

Sd/ .N.S.K.J.
02.08.2018

//Certified to be a true copy//

Dated this the th day of 2019.

DL/11.01.2019

COURT OFFICER

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