

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 28TH DAY OF NOVEMBER 2018

THE HON'BLE MR. JUSTICE K.KALYANASUNDARAM

O.P.No.143 of 2018

In the matter of the Indian
Succession Act XXXIX of 1925
and

In the matter of debts of
Mrs.Senthil Kumari, wife of
Rajasekaran (deceased) died
intestate on 30.09.2009.

Tmt.Saikala
W/o.Late Kuppusamy
Plot No.25, Block -A
Flat-D, Sudhakar Enclave
First Cross Street
Gajalakshmi Nagar, Chromepet
Chennai - 600 044

...Petitioner

-Vs-

Mrs.Jayalakshmi
W/o.Mr.B.Ramaswamy
No.7/3, Panchiyappan Street
Nesapakkam, K.K.Nagar (West)
Chennai 600 078

...Respondent

Original Petition praying that this Hon'ble Court be
pleased, prays that a succession certificate may be granted
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 read with Order XXV Rule 6 of the
Madras High Court Original Side Rules, to grant succession
certificate in favour of the petitioner.

2.It is the case of the petitioner that Senthil Kumari along with her husband and daughter, died on 30.09.2009 at Lake Thekkady, Periyar National Park, Kerala, India. The deceased was ordinarily residing along with her husband and daughter at 7/3, Pachiappan Street, Indira Nagar, Nesappakkam West, Chennai - 600 078 and at the time of her death left her surviving as her only next of kin residing at Plot No.25, Block-A, Flat-D, Sudhakar Enclave, First Cross Street, Gajalakshmi nagar, Chromepet, Chennai - 600 044. The petitioner is the mother of the deceased Senthil Kumari and the respondent is the mother-in-law of the deceased Senthil Kumari. The petitioner further states that she alone is entitled to collect the debts and receive the interest as specified in the schedule. The deceased died intestate and though due and diligent search has been made for a Will, none has been found. It is further stated that her daughter Senthil Kumari was an employee of M/s. Yahoo Software Development Pvt. Ltd. and designated as "Principal QE-1" and her ID No. is 121488. It is stated that on 30.09.2009, when Senthil Kumari had been to Thekkady, she unfortunately met with an accident and died along with her husband Mr.Rajasekaran and her only daughter Aiswarya Rajasekharan, when the boat drowned in Lake Thekkady, Periyar National Park, Kerala, India. Now the petitioner claims that she is the only legal heir of her deceased daughter, and she also lost her husband, namely Kuppusamy as early as on 11.09.1984. The Tahsildar,

Poonamalle has also given a legal heirship certificate dated 11.10.2012 which clearly establish that the petitioner is the only legal heir of the deceased Senthil Kumari. The succession certificate is required for the purpose of entitlement of all the benefits due to petitioner's deceased daughter from M/s. Yahoo Software Development Pvt. Ltd.

- i) P.F. (P.F. A/c. No.1670)
- ii) Gratuity for the period of her employment along with Gratuity insurance upto Rs.3.5 lakhs
- iii) Superannuation for the period of her employment.
- iv) Personal accident insurance which is 1.5 times of annual gross salary of petitioner's deceased daughter Senthil Kumari.
- v) Current Vacation leave balanced to be encashed.
- vi) Proportionate salary till date of her death, to be paid as part of her settlement and also the compensation amount of Rs.5 lakhs awarded by the Government of Kerala to the legal heir of the deceased daughter. It is stated that with regard to entitlement of gratuity amount to petitioner's deceased daughter employment in M/s. Yahoo Software Development Pvt. Ltd., the Labour department, Karnataka Government has given a notice to both the petitioner and the respondent to decide the disbursement of the said amount. The copy of the same is enclosed along with the petition. The assets in respect of which the succession certificate is required are of the value of

Rs.10,00,000/-. No application for a succession certificate in respect of any debt or security belonging to the estate of the said deceased has been made to any District Court or delegate or to any High Court. Hence, the petitioner has approached this Court for grant of succession certificate in favour of petitioner with power to collect the securities with interest thereon and negotiate and transfer the securities as specified in the schedule.

3.The petitioner examined herself as P.W.1 and marked Exs.P1 to P8 viz.,

Ex.P1 is the photocopy of the death certificate of petitioner's son-in-law R. Rajasekharan, who died on 30.09.2009.

Ex.P2 is the photocopy of the death certificate of petitioner's daughter, who died on 30.09.2009.

Ex.P3 is the photocopy of the death certificate of Aishwarya Rajashekharan, who died on 30.09.2009.

Ex.P4 is the photocopy of the Legal Heirship Certificate dated 11.10.2012 in respect of petitioner's daughter deceased Senthil Kumari.

Ex.P5 is the photocopy of the petitioner's Family Card bearing No.04/W/0002742.

Ex. P6 is the photocopy of the award dated 14.09.2012 sent by the District Collector, Idukki.

Ex. P7 is the photocopy of the notice dated 22.05.2017 issued by the Government of Karnataka.

Ex.P8 is one copy of paper publication effected in one issue of Tamil Daily "Thina Boomi" dated 10.07.2018.

She has further stated in her evidence that she 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 petitioner has succeeded the Estate of the deceased Senthil Kumari. 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 thereon and negotiate and transfer the securities as specified in the schedule, is issued. The petitioner is directed to render account once in a year.

Sd/.M.K.K.S.J.

28.11.2018

//Certified to be a true copy//

Dated this the th day of 2018.

DL/19.12.2018

COURT OFFICER

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

सत्यमेव जयते

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