

**O.P.No.331 of 2023**

WEB COPY

N.SATHISH KUMAR, J.

This Petition has been filed under Section 372 of the Indian Succession Act 39 of 1925 read with Order XXV Rule 6 of the Madras High Court Original Side Rules, to grant succession certificate in favour of the petitioner in respect of the Public Provident Fund amount of Rs.8,55,842/- left by C.PE.Makhesh, who died intestate.

2. Heard the learned counsel for the petitioner.

3. It is the case of the petitioner that the deceased viz., C.PE.Makhesh died as a bachelor on 05.06.2020 and his father Mr.C.G.Prasad predeceased him on 10.08.2015. The petitioner, being mother of the deceased is the only surviving class I legal heir of the deceased C.PE.Makhesh which is evidenced vide legal heir certificate No.TN-720200808589, dated 09.12.2020.

3.1. The deceased died intestate and though due and diligent search has been made for a Will, none has been found in respect of the Public



Provident Fund mentioned in the schedule. Since the deceased died as a bachelor, no next kin or other person interested to be impleaded.

3.2 The deceased left the amount specified in the Schedule viz., Public Provident Fund amount of Rs.8,55,842/- together with interest lying in his account bearing Account No.10286 within the jurisdiction of this Court. The succession certificate is required for the purpose of obtaining Public provident Fund amount of Rs.8,55,842/- together with interest lying in the account of deceased C.PE.Makhesh. Hence, the petitioner has approached this Court for grant of succession certificate in favour of her with power to collect the debts as specified in the schedule.

4. The petitioner was examined as P.W.1 and marked Exs.P1 to Ex.P.10.

5. P.W.1 in her evidence had narrated the averments made in the petition stating that the petitioner has filed this petition for grant of Succession Certificate in favour of the petitioner.



6. Ex.P.1 is the copy of the death certificate of the deceased Mr.C.G.Prasad (father of the deceased C.PE.Makhesh), Ex.P.2 is the death certificate of C.PE.Makhesh which proves that the deceased died on 05.06.2020. Ex.P.3 is the copy of the original legal heirship certificate of the deceased C.PE.Makhesh which shows that the petitioner is the only legal heir of deceased C.PE.Makhesh. Ex.P.9 - copy of post office passbook is filed to prove that the deceased C.PE.Makhesh maintained A/c.No.10286 in public provident fund scheme at Anna Road Post Office. Ex.P.10 is the Paper publication effected in 'Makkal Kural' in respect of provident Fund amount of the deceased stating that if any one having claim over the debt of the deceased, may raise objection, but none has objected for it.

7. 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 C.PE.Makhesh.

8. Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate in favour of the petitioner with power to



WEB COPY



4

N.SATHISH KUMAR, J.

msr

collect and to receive deposit specified in the schedule together with interest
as applicable till the date of withdrawal, is issued.

09.10.2023

msr

O.P.No.331 of 2018

09.10.2023