

O.P.No.99 of 2018**K.KALYANASUNDARAM, 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 petitioners.

2. It is the case of the petitioners that the husband of the first petitioner and father of the second petitioner, viz., P.A.Ramachandran is the brother of the deceased and who are the only two sons of their parents Late Mr.P.Adikesava Mudaliar and Mrs.Ethiraj Ammal. The father of the deceased Mr.P.Adikesava Mudaliar died intestate in or about in the year 1935 and the mother of the deceased Mrs.Ethiraj Ammal predeceased the deceased in or about in the year 1946. The deceased died unmarried and he has not left any class I legal heirs to succeed his estate. The class II entry 1 legal heir of the deceased, viz., the father of the deceased also pre deceased the deceased as aforesaid. The deceased left only the Late P.A.Ramachandran, who is the husband of the first petitioner and the father of the second petitioner as his class II entry II legal heir under Hindu Law to succeed his estate and by virtue intestate succession the said P.A.Ramachandran is alone entitled to the entire estate of the deceased more particularly described in the schedule hereunder. The schedule properties remain undisposed off by the deceased and they are

very much available as on date of death of the deceased. Since the said P.A.Ramachandran is the only surviving legal heir of the deceased as aforesaid and he is solely entitled to the estate of the deceased he has filed petition before this Court for the grant of Letters of Administration in O.P.No.820 of 2013 to him in respect of the estate of the deceased. The said P.A.Ramachandran died intestate on 13.12.2014 during the pendency of the above O.P.No.820 of 2013, leaving the first and second petitioners herein being his wife and son as his surviving legal heirs to succeed his estate as his mother predeceased him and thereby the first and second petitioners are entitle to the estate of P.A.Ramakrishnan. This Court, by an order dated 29.01.2016, ordered Letters of Administration in favour of the petitioners. While the above O.P.No.820 of 2013 was originally filed by Late P.A.Ramachandran and after his death continued by his petitioners and till the disposal of the above O.P., the petitioners were not aware about the existence of the schedule deposit and locker and so, they could not include the same in the above O.P.No.820 proceedings. The petitioners came to know about the schedule item No.1 and 2 recently and in this regard, when they approached the Finance Institution concerned requesting to transfer the Schedule Fixed Deposits and Locker to their names, but the said Financial Institution referred in the Schedule had called upon the petitioners for the production of necessary Succession Certificate from competent Court for the transfer of Schedule Fixed Deposits

and lockers in favour of the petitioners. So, the Succession Certificate is required for the purpose of transfer of Fixed deposit and lockers described in the schedule hereunder in favour of the petitioners. The said assets in respect of which the Succession Certificate is required are the value of Rs.4,00,000/-.

Except the Schedule fixed deposits and locker facility there are no other properties other than the schedule properties mentioned previous O.P.No.820 of 2013, applied by the petitioners before this Court for grant of Letters of Administration are available. The bank deposits described in the Schedule hereunder subject matter of present O.P. for grant of Succession Certificate were not included in O.P.No.820 of 2013, due to inadvertent mistake. There is no impediment under Section 370 of Indian Succession Act, 1925 or under any other provisions of this Act or any other enactment to the grant of the Succession Certificate or the validity thereof if it were granted. No application has been made to any District Court or delegate or to any other High Court for the probate of any Will of the deceased or letters of Administration, with or without the Will annexed of his property and credits except the aforesaid O.P.No.820 of 2013 filed by Late P.A.Ramachandran and after his death continued by the petitioners herein for the grant of Letters of Administration without Will in respect of the other assets of the deceased P.A.Ramakrishnan. 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 petitioners have approached this Court for grant of succession certificate in their names with power to collect the debts and to receive the interest and dividends on and negotiate and transfer the securities specified in the schedule.

3. The first petitioner examined herself as P.W.1 and marked Exs.P1 to P7, viz.,

Ex.P1 is the computer generated death certificate of her brother-in-law P.A.Ramakrishnan, who died on 27.05.2013

Ex.P2 is the computer generated death certificate of her husband P.A.Ramakrishnan, who died on 13.12.2014

Ex.P3 is the photocopy of the Legal Heirship Certificate dated 13.03.2015 in respect of her deceased husband P.A.Ramachandran

Ex.P4 is the photocopy of Letters of Administration dated 29.01.2016, issued by this Court in O.P.No.820 of 2013

Ex.P5 (Series 4 Nos) are the photocopies of acknowledgment slips standing in the name of P.A.Ramakrishnan, issued by Sakthifinance Financial Services Limited

Ex.P6 is the photocopy of the letter dated 20.05.2016, addressed to Mr.P.A.Ramakrishnan by Sakthifinance Financial Services Limited, regarding revision of locker rent

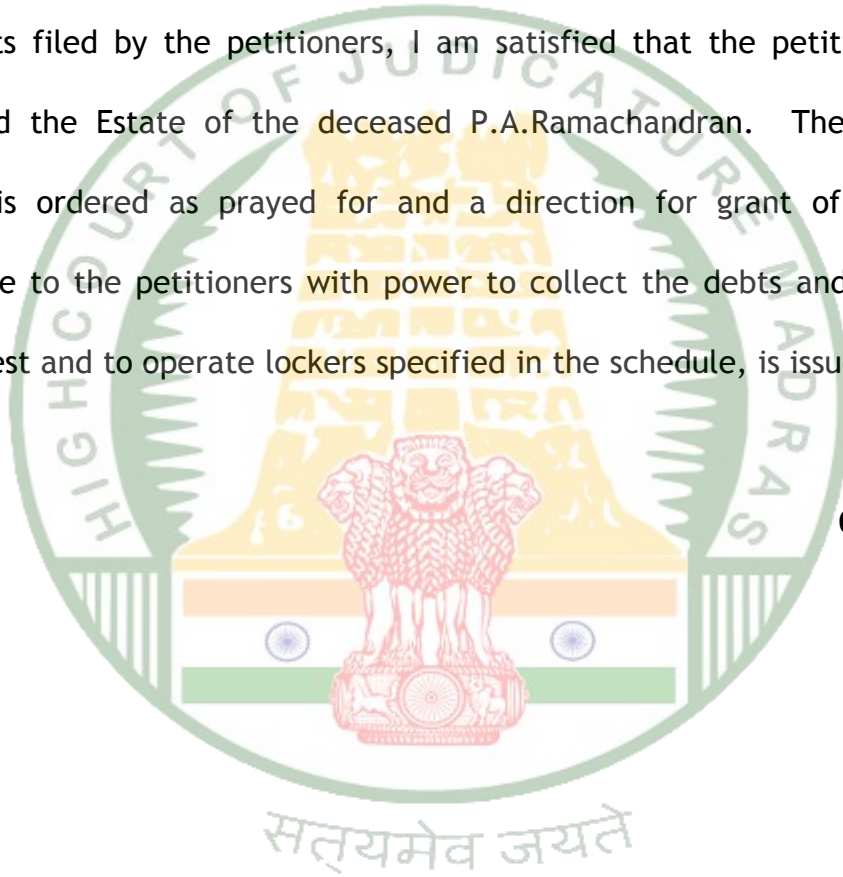
Ex.P7 is a copy of paper publication effected in one issue of Tamil daily "Maalai Sudar" dated 10.04.2018

She has further stated in her evidence that she 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 petitioners, I am satisfied that the petitioners have succeeded the Estate of the deceased P.A.Ramachandran. Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate to the petitioners with power to collect the debts and to receive the interest and to operate lockers specified in the schedule, is issued.

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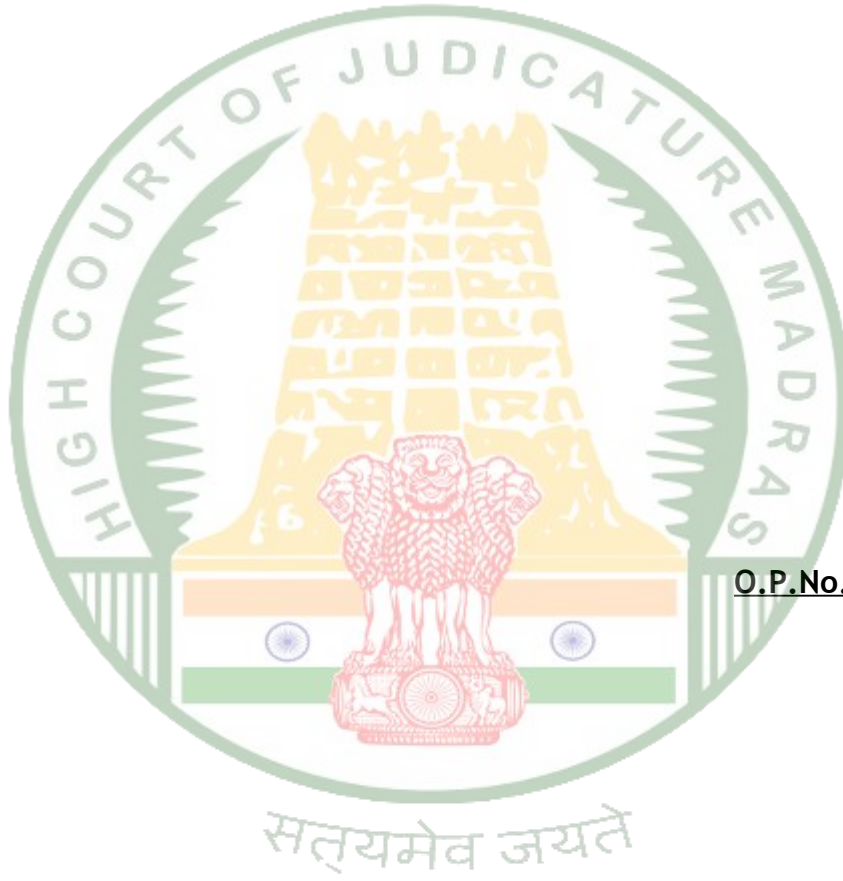
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