

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(TESTAMENTARY AND INTESTATE JURISDICTION)

SATURDAY, THE 27TH DAY OF APRIL 2018

THE HON'BLE MR. JUSTICE N. SATHISH KUMAR

O.P. No.811 of 2012

In the matter of Indian
Succession Act, 1925

and

In the matter of Debts
belongs to Mr.C.Chinnaiah,
(DECEASED)

1. Mrs.Delliboy,
W/o.Late.C.Chinnaiah,
residing at No.2/3, Narasimma Nagar, 3rd street,
Puliyanthoppu, Chennai-600 012.
2. C.Ramesh
S/o.Late.C.Chinnaiah,
residing at No.5079, Kannaki Nagar,
Duraipakkam, Chennai.
3. C.Guruvamma,
D/o.Late.C.Chinnaiah,
residing at Door No.4/12, Mustabada (Railway Colony)
Gannavaram, (Mandalam), Krishna District,
A.P.Pincode-521 107.

4. C.Kirenkumar,
S/o.Late C.Chinnaiah,
residing with 1st petitioner at No.2/3,
Narasimma Nagar,
3rd Street,
Puliyanthoppu, Chennai-600 012. ..Petitioners

-VS-

MUNIYAMMAL
NO.3, I PALLAR STREET, KENNEDY NAGAR,
VYASARPADI, CHENNAI - 600 039 ..Respondent

Original Petition praying that this Hon'ble Court be
pleased that a Succession Certificate may be granted to
Mrs.C.Delliboy, 1st Petitioner herein, with power to

collect the debts (terminal benefits and pension benefits of Late Mr.C.Chinnaiah) specified in schedule of this O.P.

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 read with Order XXV Rule 6 of the Madras High Court Original Side Rules, 1956 to grant succession certificate in favour of the 1st petitioner.

2. It is the case of the petitioners that the deceased Mr.C.Chinnaiah, died on 12.04.2010 at Govt. General Hospital, EVR Road, Chennai 600 003 and he was ordinarily residing at No.2, G.H. Ward boy, Housing Board, Chennai 600 003. The petitioners are the wife, sons and daughter of the deceased. The deceased died intestate and though due and diligent search has been made for a Will, none has been found. According to the petitioners, they are the Class-I legal heirs of the deceased and are entitled to get the benefits (debts) and subsequent benefits (Family Pension). The succession certificate is required for the purpose of claiming terminal benefits. The said assets in respect of which the succession certificate is required is of the value of Rs.6,40,715/- Despite service of notice to the respondent, she remained absent. No application for a succession certificate in respect of any Shares or debt 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 P10.

(i)Ex.P1 is the computer generated death certificate of her husband Chinnaiah, who died on 12.04.2010.

(ii)Ex.P2 is the photocopy of the legal heir certificate issued in the month of May, 2010 in respect of her deceased husband C.Chinnaiah.

(iii)Ex.P3 is the certified copy of the order passed in M.C.No.559 of 2009 by the Additional Family Court, Chennai.

(iv)Ex.P4 is the letter dated 04.01.2011 addressed to me by the Government General Hospital, Chennai-3.

(v)Ex.P5 is the photocopy of the letter dated 18.05.2011 addressed to her Advocate by the Rajiv Gandhi Government Hospital, Chennai-.

(vi)Ex.P6 is the photocopy of the family card bearing No.01/G/0923446.

(vii)Ex.P7 is the photocopy of the Electoral Identity Card bearing No.FBC3548641.

(viii)Ex.P8 is the photocopy of the Transfer Certificate of her son C.Kiran Kumar bearing serial No.158/2007.

(ix)Ex.P9 is the Joint Consent Affidavit given by the petitioners 2, 3 and 4.

(x)Ex.P10 is a copy of paper publication effected in one issue of Tamil daily "Makkal Kural" dated 28.09.2017.

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 Mr.C.Chinnaiah. Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate to the 1st petitioner on behalf of other petitioners, with power to get debts (terminal benefits and pension) as specified in the schedule.

Sd/.N.S.K.J.

27.04.2018

//Certified to be a true copy//

Dated this the th day of 2019.

SU/30.09.2019

COURT OFFICER

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

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