

O.P.No.156 of 2019

K.KALYANASUNDARAM, J.

This Petition has been filed under Section 372 of the Indian Succession Act, 1925 read with Order XXV Rule 6 of Original Side Rules 1956, to grant succession certificate in favour of the first petitioner.

2. In the petition, it is stated that the deceased S.M.K.Showkath Ali ordinarily resided at No.19/41, Mohammed Hussain Street, Royapettah, Chennai - 600 014 and died on 04.08.2013 and left the properties within the jurisdiction of this Court. The deceased died intestate and that due and diligent search has been made for a Will, but, none has been found. The deceased at the time of his death left behind his wife, two daughters, the petitioners herein and his mother as his surviving legal heirs. The mother of the deceased died on 04.10.2016, leaving behind the respondents herein as her legal heirs. The petitioners are the legal heirs of the deceased, who claims to be entitled the share of the estate of the deceased.

3. It is further stated that the deceased having a savings bank account with the Corporation Bank, Whites Road Branch, Whites Road, Chennai - 600 014 and a sum of Rs.71,04,137/- is lying in the said account.

As per the Islamic Law of inheritance, the legal heirs of the deceased are entitled for the shares as computed and that the mother of the deceased is entitled for 1/6 share and the petitioners are entitled for the remaining 5/6 shares. The petitioners have only set forth in the schedule No.1 hereto the debts in respect of which the certificate is applied for. The succession certificate is required for the purpose of obtaining the amount of Rs.59,20,114/- (out of Rs.71,04,137/-).

4.No application has been made to any District Court or delegate or to any High Court for probate of any Will of the deceased or for letters of administration with or without the Will annexed to his properties and credits and no application had been filed for a succession certificate in respect of any debts or security belonging to the estate of the said deceased has been made to any District Court or delegate or to any High Court.

5. The 1st petitioner undertakes to deposit the proceeds of shares for the 2nd and 3rd petitioner in their names for the benefit of their future and use them for their education or marriage as and when need arises. Hence, the petitioners have approached this Court for grant of Succession

Certificate in favour of the 1st petitioner with power to collect the debts and to receive the interest specified in the schedule hereto.

6. The first petitioner examined herself as P.W.1 and deposited evidence on behalf of the other petitioners and marked Exs.P1 to P6 viz.,

i) Ex.P1 is the computer generated copy of the death certificate of Mr.S.M.K.Showkath Ali, who died on 04.08.2013.

ii) Ex.P2 is the computer generated copy of the death certificate of A.Rameesa Beevi, who died on 04.10.2016.

iii) Ex.P3 is the photocopy of the Legal Heirship certificate dated 18.10.2013 in respect of Mr.S.M.K.Showkath Ali.

iv) Ex.P4 is the photocopy of the Corporation Bank Passbook bearing account No.012200101008088 in respect of Mr.S.M.K.Showkath Ali.

v) Ex.P5 (series 3 Nos) are the photocopies of the Aadhaar cards of all the petitioners.

vi) Ex.P6 is a copy of paper publication effected in one issue of Tamil daily "Makkal Kural" dated 16.10.2019.

She has further stated in her evidence that she has not filed any other petition seeking the same relief.

7. Considering the averments made in the petition and the documents filed by the petitioners, I am satisfied that the 1st petitioner has succeeded the Estate of the deceased. Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate to the 1st petitioner with power to collect the debts and to receive the interest specified in the schedule hereto.

26.11.2019

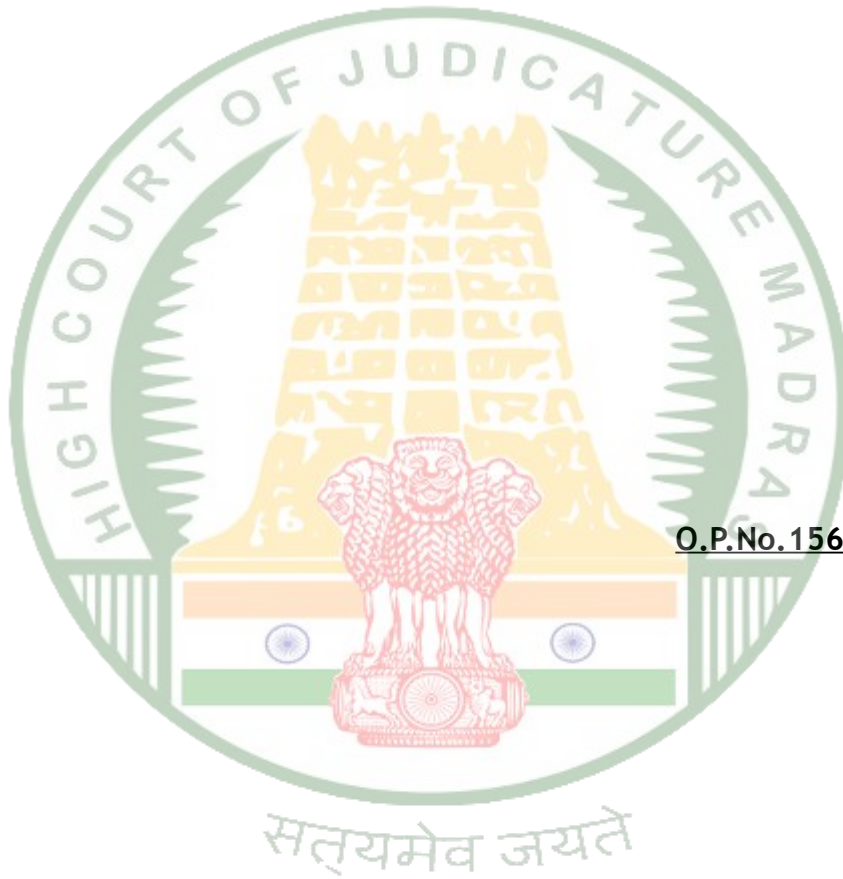
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