

O.P.No.154 of 2019

K.KALYANASUNDARAM, J.

This Petition has been filed under Section 372 of Indian Succession Act, 1925 r/w Order XXV Rule 6 of O.S Rules, 1956.

2.In the petition, it is stated that the deceased S.Balakrishnan died on 04.09.2018 at Sri Ramachandra Medical College and Research Institute, Ramachandra Nagar, Karambakkam, Chennai-600116 and he ordinarily resided at No.2/50A, 2nd Cross Street, VGN Nagar, Ayyappanthangal, Chennai-600056 and left the properties within the jurisdiction of this Court. The petitioners are the sister and brothers of the deceased. The deceased S.Balakrishnan was employed as Mechanic in the Department of Space, ISRO, Chennai. The deceased S.Balakrishnan was not married and he lived with his brother, S.Rajamohan, namely, the second petitioner herein, till his lifetime. The father of the deceased, late R.Sundaresan predeceased him and the mother of the deceased died on 26.09.2018. The deceased died intestate and though due and diligent search has been made for Will, but, none has been found. After the death of the deceased, the petitioners claimed death benefits and other emoluments of the deceased S.Balakrishnan. But the ISRO authorities issued a letter dated 04.01.2019, thereby directed the petitioners to produce the

succession certificate from the Court. The deceased at the time of his death left behind the petitioners herein as his only surviving Class II legal heirs, who claims to be entitled a share of the estate of the deceased. The succession certificate is required for the purpose of getting the death benefits in the credit of the deceased payable by his employer and the assets in respect of which the succession certificate is required are of the value of Rs.15,85,000/-.

3.No application has been made at any District court or delegate or to any other High Court for probate of any Will of the said deceased or Letters of Administration with or without the Will annexed to his property and credits or for a Succession Certificate. Hence, the petitioners have approached this Court for grant of Succession Certificate in favour of the petitioners, with power to collect the securities and to receive the interest and dividends or proceeds and negotiate and transfer the securities specified in the schedule.

4.The first petitioner examined herself as P.W.1 and deposed evidence on behalf of the petitioners 2 and 3 and also marked the following documents viz., Exs.P1 to P10.

i) Ex.P1 is the computer generated death certificate of my brother S.Balakrishnan, who died on 04.09.2018.

ii) Ex.P2 is the computer generated death certificate of my father R.Sundaresan, who died on 06.03.2011.

iii) Ex.P3 is the photocopy of the death certificate of my mother S.Swarnambal, who died on 14.10.2018 (Marked after comparing and verifying with the original).

iv) Ex.P4 (series 3 Nos) are the photocopies of sworn affidavits given by all the petitioners dated 30.10.2018 (Marked after comparing and verifying with the originals).

v) Ex.P5 is the photocopy of letter dated 31.10.2018 addressed to Tahsildar, Pallavaram Taluk by the 2nd petitioner asking for legal heirship certificate in respect of my deceased brother S.Balakrishnan.

vi) Ex.P6 is the original letter dated 29.12.2018 given by the Tahsildar, Pallavaram Taluk addressed to 2nd petitioner stating that legal heirship certificate in respect of my deceased brother S.Balakrishnan cannot be issued to us stating that we are not first class legal heirs of the deceased.

vii) Ex.P7 (series 3 Nos) are the photocopies of the Aadhaar card in respect of all the petitioners (Marked after comparing and verifying with the originals)

viii) Ex.P8 is the original letter dated 04.01.2019 given by the Department of Spare Liquid Propulsion System Centre, Thiruvananthapuram addressed to 2nd petitioner stating that the terminal benefits of my deceased brother S.Balakrishnan and asking for succession certificate from competent court of law.

ix) Ex.P9 is the another original letter dated 14.01.2019 given by the Department of Spare Liquid Propulsion System Centre, Thiruvananthapuram addressed to 2nd petitioner stating that the terminal benefits of my deceased brother S.Balakrishnan and asking for succession certificate from competent court of law.

x) Ex.P10 is a copy of paper publication effected in one issue of Tamil daily "Makkal Kural" dated 09.08.2019.

She has further stated in her evidence that his brother deceased S.Balakrishnan died as a bachelor and he had no issues. She has also stated that she has not filed any other petition seeking the same relief.

5.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. Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate to the petitioners with power to collect the securities and to receive the interest and dividends or proceeds thereon and negotiate and transfer, is issued. The petitioners are directed to render accounts once in a year.

21.10.2019

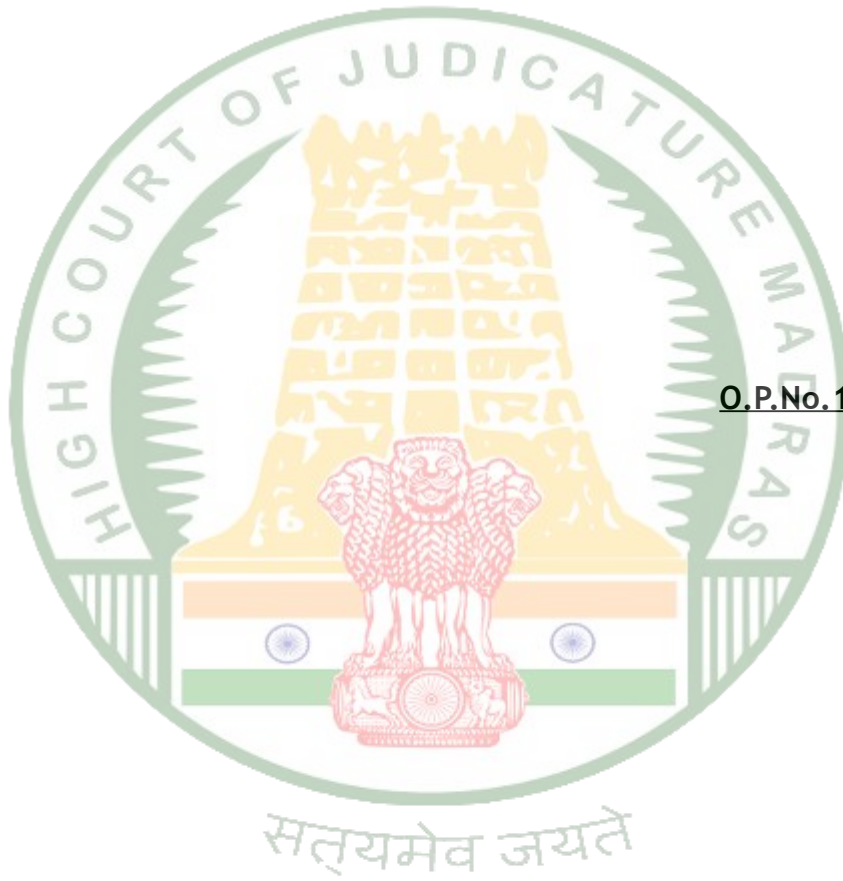
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K.KALYANASUNDARAM, J.

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