

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2019

CORAM

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

O.P.No.97 of 2018

1.Mrs.T.J.Susiladevi

2.Mrs.O.J.Geetha

... Petitioners

Vs

1.Ms.T.G.Sandhiya

2.Ms.T.G.Supraja

... Respondents

For Petitioners: D.Parvathi

Prayer: Original Petition filed under Section 372 of the Indian Succession Act, 1925 read with Order XXV, Rule 6 of Original Side rules, 1956 praying to grant the Succession Certificate to the 2nd Petitioner herein in respect of the Securities/Debts belonging to the Deceased Mr.T.R.Jayaraman, morefully detailed in the Schedule hereunder, with power to receive, negotiate and transfer the Securities, to collect the Debts and receive the Interest and Dividends on.

ORDER

Petitioners who are the wife and daughter of late T.R.Jayaraman, who died on 11.06.2012, seek issuance of a Succession Certificate in respect of the Securities listed out in the Schedule to the petition.

2. According to the petitioners, the said Jayaraman died leaving behind the petitioners and T.J.Ganesh Babu. It is further stated that the said T.J.Ganesh Babu had married one T.G.Ujjaini, and out of the said wed lock, the respondents 1 and 2 namely, T.G.Sandhiya and T.G.Supraja, were born to the said T.J.Ganesh Babu. The said T.J.Ganesh Babu had died on 26.11.2014. Attempts to serve notice on the daughters of the said Ganesh Babu were unsuccessful, substituted service by paper publication was effected, pursuant to the order of the Master on 17.05.2018.

3. The matter came up before this Court on 14.12.2018, a fresh notice was ordered to the respondents, the counsel for the petitioners was also directed to take private notice. The affidavit of service has been filed by the counsel for the petitioners showing that the attempted private notice could not be served and it was returned. The Court notice

sent was also returned with an endorsement of the bailliff that the noticee have vacated the house two years ago. However, the respondents have been served by way of publication as early as on 17.05.2018 services deemed to be completed.

4. Evidence have been recorded before the Master. The second petitioner was examined as P.W.1 and has produced the share certificates that stand in the name of the said T.R.Jayaraman. The Death Certificates of T.R.Jayaraman and his son T.J.Ganesh Babu have been filed as Ex.P88 and Ex.P90. The legal heirship certificate has been filed as Ex.P89. The certified copy of the judgment in HMOP No.480 of 2008 dated 26.03.2010 have been filed to show that Ganesh Babu had divorced Ujjaini.

5. In view of the above evidence, I am of the considered opinion that the Succession Certificate will issue to the petitioners in respect of the securities/debts listed out in the schedule to the petition. The first petitioner has expressed her consent to grant of Succession Certificate in favour of the second petitioner. The petitioner shall execute a bond for Rs.10,000/-

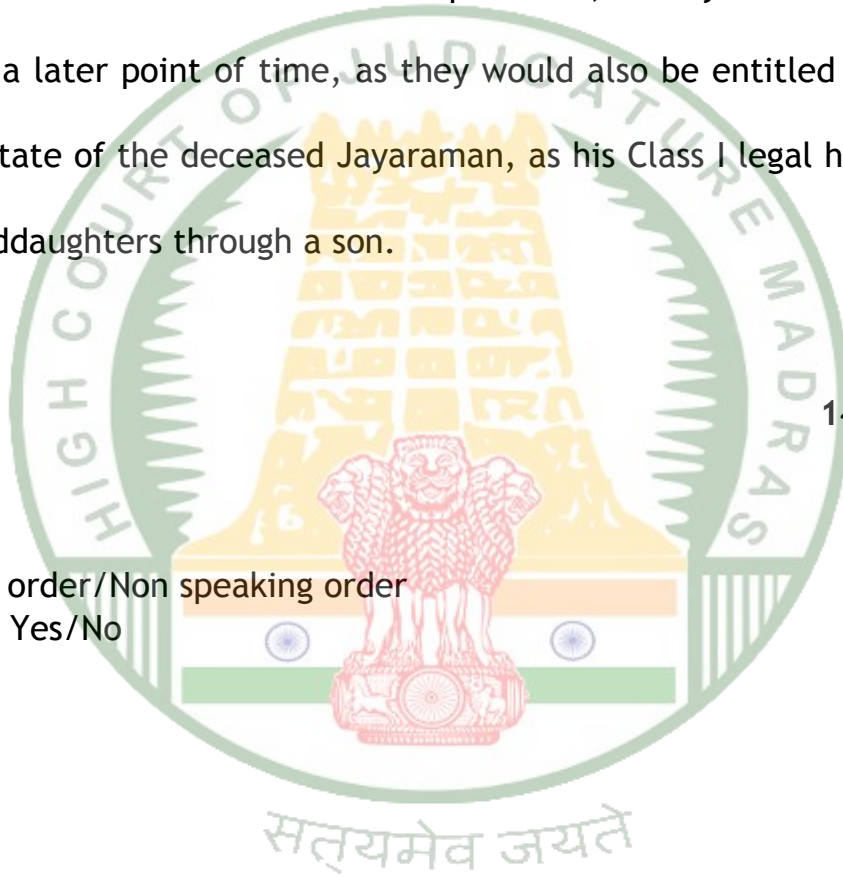
R.SUBRAMANIAN.J.,

6. It is made clear that the issuance of Succession Certificate would not affect the claim of the respondents, if they choose to make a claim at a later point of time, as they would also be entitled to a share in the estate of the deceased Jayaraman, as his Class I legal heirs, being the granddaughters through a son.

14.02.2019

jv

Speaking order/Non speaking order
Internet: Yes/No



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