

O.P.No.137 of 2019

K.KALYANASUNDARAM, J.,

This petition has been filed under Section 372 of the Indian Succession Act read with Order XXV Rule 6 of O.S. Rules for the grant of Succession Certificate.

2. In the petition, it is stated that the deceased C.Kalyani, ordinarily resided at No.14, Raintree Apartments, Bisset Road, Agarm, Perambur, Chennai and died on 13.08.2018 at Noble Hospital, Purasaiwalkam, Chennai. The deceased died intestate and that due and diligent search has been made for a Will, but none has been found. The petitioner is the daughter and the respondent is the husband of the deceased and they are class-I legal heirs.

3. It is further stated that since the deceased was affected by cancer, the respondent deserted her in the year 2015 and after such desertion, the deceased chosen to live with the petitioner and the petitioner has taken utmost care of her mother and also spent huge amount towards her medical treatment and also surgery was performed to get her recovery from the ailment, but in spite of all this events, the deceased expired on 13.08.2018 and the respondent has not taken any care even to make a single visit to see his wife and in spite of informing him about the death of the deceased, he refused to come for the funeral, however, the respondent is approaching the

Authorities and making claim over the entire benefits of the deceased. The Succession Certificate is required for the purpose of claiming the commuted pension of the deceased and arrears of the pension. The said benefits in respect of which the succession certificate is required for the petitioner 50% of the value is Rs.8,71,499/-. No application has been made to the District Court or delegate or to any High Court for Probate of any Will of the deceased or Letters of Administration with or without the Will annexed to her properties and credits.

4. The petitioner examined herself examined as P.W.1 and filed proof affidavit, reiterating the averments contained in the petition and marked Exs.P1 to P12, viz.,

Exs	Documents	Dated
P1	Computer generated death certificate of her mother C.Kalyani, who died on 13.08.2018	-
P2	Computer generated birth certificate	27.08.2018
P3	Photocopy of the identity card of her mother bearing ID No.6064	-
P4	Payslip of her mother for the month of January 2015	-
P5	Office copy of the letter sent by her to the Superintending Engineer / Transmission - II, TANTRANSCO, Anna Salai, Chennai along with the article tracking details	16.08.2018
P6	Office copy of the letter sent by her to the Chief Internal Audit Officer, TANGEDCO, Anna Salai, Chennai	14.08.2018
P7	Photocopy of her family card bearing No.02/N/001402	-

Exs	Documents	Dated
P8	Photocopy of the letter submitted by her mother to the Superintendent Engineer / Transmission - II, TANTRANSCO, Anna Salai , Chennai enclosing three copies of nomination forms.	29.08.2015
P9	Office copy of the intimation letter sent by her to the Superintending Engineer / Transmission - I, TANTRANSCO, Anna Salai, Chennai	14.08.2018
P10	Photocopy of the proceedings of the Superintending Engineer / Transmission - I, Chennai -2, along with pension calculation statement	21.03.2018
P11	Office copy of the legal notice sent by her through her counsel to Chief Internal Audit Officer, TANGEDCO, Anna Salai, Chennai and the Superintending Engineer / Transmission - II, TANTRANSCO, Anna Salai, Chennai	24.01.2019
P12	Copy of paper publication effected in one issue of Tamil daily "Maalai Sudar"	24.10.2019

5. Despite the service of notice on the respondent, none appears for the respondent.

6. Considering the averments made in the petition and the documents filed by the petitioner, I am satisfied that the 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 petitioner with power to collect the debts and to receive the interest specified in the schedule, is issued.

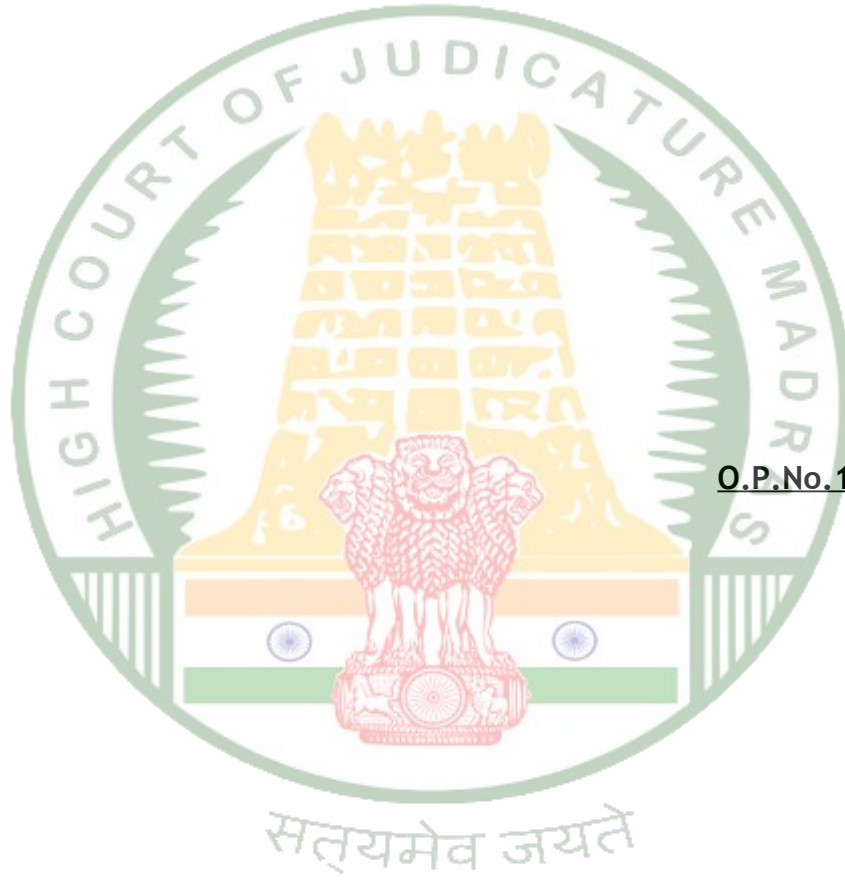
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