

O.P.No.779 of 2012**K.KALYANASUNDARAM, J.,**

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

2. It is the case of the petitioners that the deceased A.Krishnan was ordinarily residing at Plot No.1722, Vijaya Maruthy, 6th Street, Anna Nagar West, Chennai and died on 29.01.1993, leaving behind his wife Chellammal as his only legal-heir. Subsequently, the said Chellammal also died intestate on 03.02.2012. Since the said Chellammal and A.Krishnan had no issue, the property and estate left behind by Chellammal devolved on the petitioners as the legal-heirs because of the fact that all the items of properties mentioned in the schedule were the properties of A.Krishnan and as per the provisions of the Hindu Succession Act, the properties obtained by Chellammal through her husband devolved on the heirs of the husband. It is further stated that the petitioners are the only Class-II legal heirs and none other for the deceased and they are entitled to succeed to the properties for the deceased Chellammal as per Hindu Succession Act, 1956. The said assets in respect of which the Succession Certificate is required are of the value of Rs.23,61,554/-. The petitioners duly undertake to pay necessary stamp duty mentioned in Item No.4 in the schedule. It is further stated that 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 her properties and credits and no application had been for a succession certificate in respect of the said deceased has been made to any District Court or delegate or to any High Court. Hence, the petitioners have approached this Court for grant of Succession Certificate with power to collect the debts and receive the interest securities specified in schedule.

3. The second petitioner was examined as PW1 and marked Exs.P1 to P8 viz.,

Ex.P1 is the photocopy of the death certificate of his uncle A.Krishnan, who died on 29.01.1993

Ex.P2 is the photocopy of the Legal Heirship Certificate dated 24.02.1993 in respect of the deceased A.Krishnan

Ex.P3 is the computer generated death certificate of his aunt Chellammal Krishnan, wife of A.Krishnan, who died on 03.02.2012

Ex.P4 is a copy of family tree in respect of the family of the deceased A.Krishnan

Ex.P5 is the certified copy of the general power of attorney dated 30.09.2015 executed by Mrs.Jayalakshmi Sundararajan, Mrs.Kanaka Vethantham, Mr.Vethantham V.Aiyangar, Mrs.Thangam Narasimhan, and Mr.V.Annadorai, in favour of Mr.Varadarajan Babuji and Mr.V.Desikan

Ex.P6 is a copy of paper publication effected in one issue of Tamil daily "Thina Boomi" dated 14.03.2017

Ex.P7 (Series 3 Nos) are the letters dated 18.02.2015, 20.02.2015, and 17.02.2015, given by State Bank of India, Indian Bank and Central Bank of India respectively, in respect of the accounts maintained by Mrs.Chellammal Krishnan

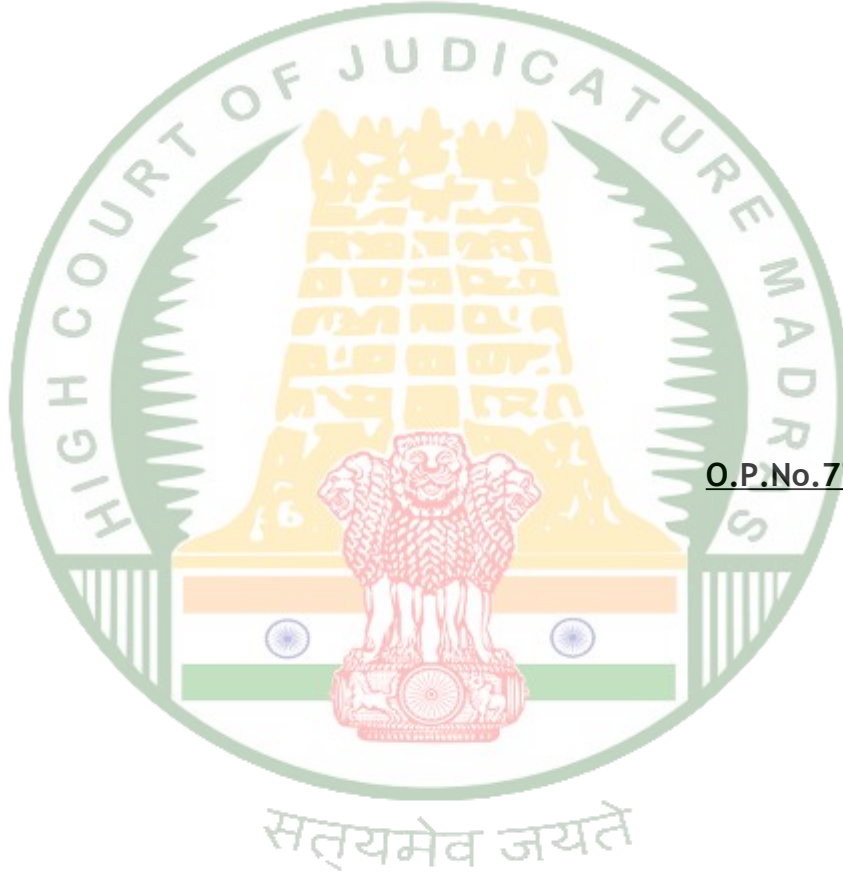
Ex.P8 (Series 6 Nos) are the photocopies of Fixed Deposit Receipts standing in the name of Mrs.Chellammal Krishnan (The fixed deposit receipt issued by Central Bank of India and State Bank of India are marked after comparing verifying with the originals. For the Fixed Deposit receipts issued by Indian Bank (Last 2 sheets), originals are not produced for comparison) He has further stated in his evidence that he has not filed any other petition 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. Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate to the petitioners with power to collect the debts and receive the interest on securities specified in the schedule, is issued.

23.01.2019

K.KALYANASUNDARAM, J.,

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