

O.P.No.397 of 2019

K.KALYANASUNDARAM, J.

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

2.In the petition, it is stated that the deceased Kuppusamy Mudaliar, died on 29.06.2005 at B.S.S. Hospital, R.K.Mutt Road, Mandaveli, Chennai-600 028 and he ordinarily resided at No.36/34, West Circular Road, Mandaveli, Chennai - 600 028 and left the properties within the jurisdiction of this Court. The deceased died intestate and though due and diligent search has been made for Will, but, none has been found. The petitioners are the sons, daughters, daughter-in-laws, grand sons and grand daughters of the deceased Kuppusamy Mudaliar. The deceased at the time of his death left behind the petitioners herein as his only surviving legal heirs, who claims to be entitled a share of the estate of the deceased. The succession certificate is required for the purpose of receiving the proceeds out of the investments made in the shares and the assets in respect of which the succession certificate is required are of the value of Rs.7,20,000/-.

3. It is further stated that the petitioners 2 to 13 have no objection for granting Succession Certificate in favour of the first petitioner. 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 first petitioner, 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 himself as P.W.1, filed proof affidavit and deposed evidence and also marked the following documents viz., Exs.P1 to P14.

- 1) Ex.P1 is the computer generated death certificate of my eldest brother T.K.Gnana Velu, who died on 04.06.1997.
- 2) Ex.P2 is the photocopy of the Legal Heirship certificate dated 28.07.1997 in respect of my eldest brother T.K.Gnana Velu (Marked after comparing and verifying with the original).
- 3) Ex.P3 is the computer generated death certificate of my father M.K.Kuppusamy Mudaliar, who died on 29.06.2005.
- 4) Ex.P4 is the computer generated death certificate of my mother K.Aburubam, who died on 21.01.2008.

- 5) Ex.P5 is the photocopy of the Legal Heir Certificate dated 15.02.2013 in respect of my father M.T.Kuppusamy Mudaliar (Marked after comparing and verifying with the original).
- 6) Ex.P6 is the photocopy of the death certificate of my another elder brother K.Kumar, who died on 20.06.2007 (Marked after comparing and verifying with the original).
- 7) Ex.P7 is the photocopy of the Legal Heirship Certificate dated 15.10.2007 in respect of elder brother K.Kumar (Marked after comparing and verifying with the original).
- 8) Ex.P8 is the photocopy of the share certificate in Chettinad Cement Corporation Limited bearing Certificate No.34700 held by my deceased father M.T.Kuppuswamy Mudaliar (Marked after comparing and verifying with the original).
- 9) Ex.P9 is the photocopy of the share certificate in Chettinad Cement Corporation Limited bearing Certificate No.34701 held by my deceased father M.T.Kuppuswamy Mudaliar (Marked after comparing and verifying with the original).
- 10) Ex.P10 is the photocopy of the share certificate in Chettinad Cement Corporation Limited bearing Certificate No.34702 held by my deceased father M.T.Kuppuswamy Mudaliar (Marked after comparing and verifying with the original).
- 11) Ex.P11 is the photocopy of the share certificate in Chettinad Cement Corporation Limited bearing Certificate No.34703 held by my deceased father M.T.Kuppuswamy Mudaliar (Marked after comparing and verifying with the original).
- 12) Ex.P12 is the photocopy of the share certificate in Chettinad Cement Corporation Limited bearing Certificate No.34704 held by my deceased father M.T.Kuppuswamy Mudaliar (Marked after

comparing and verifying with the original).

13)Ex.P13 is the affidavit of assets showing the net value of the estate as Rs.7,20,000/-.

14)Ex.P14 is a copy of paper publication effected in one issue of Tamil daily “Makkal Kural”, dated 03.08.2019.

He has further stated in his evidence that he 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 first 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 first petitioner with power to collect the securities and to receive the interest and dividends or proceeds thereon and negotiate and transfer, is issued. The first petitioner is directed to render account once in a year.

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12.11.2019

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