

**O.P.No.454 of 2019**

**SENTHILKUMAR RAMAMOORTHY,J**

This petition has been filed under Section 372 of the Indian Succession Act 1925 read with Order XXV Rule 6 of O.S.Rules to grant succession certificate to the petitioner with power to collect the debts and to receive the interest thereon in respect of the assets specified in the schedule to the petition.

2. I heard the learned counsel for the petitioner.

3. The learned counsel for the petitioner submitted that the respondent had taken a policy, namely, Jeevan Kishore with Profits, in the name of the son of the petitioner and the respondent, ie. the late R.Subash Kumar from the Life Insurance Corporation of India, City Branch -XIII, Fifth Floor, Bombay Mutual Building, N.S.C.Bose Road, Chennai -1 vide policy No.718173595, which commenced on 07.05.2007. He further submitted that the petitioner's son, R.Subash Kumar, died intestate as a bachelor on 11.10.2018 at the Kilpauk Medical College Hospital, Kilpauk, Chennai -10 leaving the petitioner and the respondent as the only class I and class II legal heirs respectively. He further submitted that the deceased ordinarily resided at No.16 C, Plot No.66, Veeraraghavalu Nagar, 4th Street, Vinayagapuram, Kolathur, Chennai - 99, which is outside the original jurisdiction of this Court.

4. The petitioner also recorded evidence by examining herself as P.W.1 and the following exhibits were marked in evidence:

i. *Ex.P1 is the computer generated death certificate of the deceased Subash @ Subash Kumar, who died on 11.10.2018.*

ii. *Ex.P2 is the computer generated Legal Heirship certificate dated 21.01.2019 in respect the deceased Subhash Kumar.*

iii. *Ex.P3 is the photocopy of the LIC Policy Bond standing in the name of the deceased R.Subash Kumar bearing Policy No.718173595.*

iv. *Ex.P4 is the consent affidavit given by the respondent.*

v. *Ex.p5 is a copy of paper publication effected in one issue of Tamil daily " Makkal Kural " dated 01.11.2019.*

5. Upon considering the submissions of the learned counsel for the petitioner and on examining the petition and the evidence recorded in the matter, it is clear that the petitioner is the only class I legal heir of her deceased son, R.Subash Kumar, and the respondent is the class II legal heir. The petitioner has duly established this fact and the consequential entitlement to the succession certificate by adducing relevant evidence in the form of the death certificate, legal heirship certificate and the LIC policy. It is also pertinent to mention that the respondent has given a consent affidavit, which was exhibited as Ex.P4.

6. It is further stated in the petition that no application for a succession certificate in respect of any debt or security belonging to the estate of the deceased was made to any District Court or delegate or the High Court. It is further stated that no application was made to any District Court or delegate or to any High Court for Probate of the Will of the deceased or for Letters of Administration with or without annexing a Will. Consequently, the petitioner is entitled to succeed to the estate of the deceased.

7. Therefore, this petition is ordered and a direction is issued for the grant of a succession certificate to the petitioner in respect of the assets specified in the schedule to the petition with power to collect the debts and receive interest thereon.

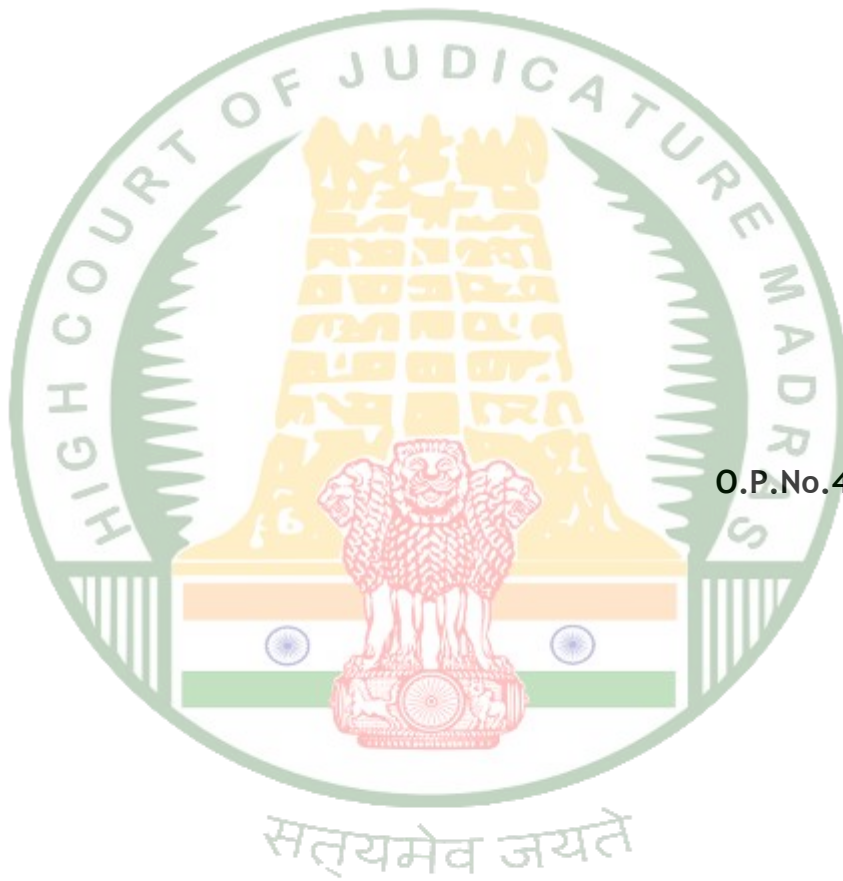
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