

O.P.No.894 of 2013

K.KALYANASUNDARAM, J.

This Petition has been filed under Section 372 of Indian Succession Act, 1925 r/w Order XXV Rule 6 of O.S Rules, 1956.

2.In the petition, it is stated that the deceased G.Sekar died on 18.05.2012 at Rajiv Gandhi Government Hospital, Chennai and he ordinarily resided at No.46/13, Joseph Street, Kannigapuram, Chennai - 600012 and left the properties within the jurisdiction of this Court. The first petitioner is the wife, the second petitioner is the son and the third petitioner is the mother of the deceased. The deceased G.Sekar was employed as a postman at Vepery Post Office. The deceased died intestate and though due and diligent search has been made for Will, but, none has been found. After the death of the deceased, the first petitioner approached the Postal Department and claimed the amount of Postal SB Account No.44797084 in the name of the deceased G.Sekar, for which, the first petitioner was informed that the deceased G.Sekar failed to nominate his nominee to claim the benefits and directed the first petitioner to produce the succession certificate from the Court. The deceased at the time of his death left behind the petitioners herein as his only legal heirs, who claims to be entitled a share of the estate of the deceased.

The succession certificate is required for the purpose of getting the amount in the Postal SB account in the name of the deceased and the assets in respect of which the succession certificate is required are of the value of Rs.6,44,927/-.

3.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 petitioners, 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 herself as P.W.1 and deposed evidence on behalf of the 2nd petitioner and also marked the following documents viz., Exs.P1 to P7.

i) Ex.P1 is the photocopy of the post office passbook bearing account No.44797084 in the name of Mr.G.Sekar (Marked after comparing and verifying with the original).

ii) Ex.P2 is the photocopy of my Voter identity card bearing No.FBC3465259 (Marked after comparing and verifying with the original).

iii) Ex.P3 is the photocopy of the death report of Mr.G.Sekar.

iv) Ex.P4 is the computer generated copy of the death certificate of Mr.G.Sekar, who died on 18.05.2012.

v) Ex.P5 is the photocopy of the Legal Heirship certificate dated 18.07.2012 in respect of Mr.G.Sekar (Marked after comparing and verifying with the original).

vi) Ex.P6 is the photocopy of the Intimation letter dated 12.04.2013 addressed to me by the Sub Post Master, Vepery Post Office, Chennai.

vii) Ex.P7 is a copy of paper publication effected in one issue of Tamil daily " Maalai Malar" dated 21.07.2019.

She has further stated that she 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 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 securities and to receive the interest and dividends or proceeds thereon and negotiate and transfer, is issued. The petitioners are directed to render accounts once in a year.

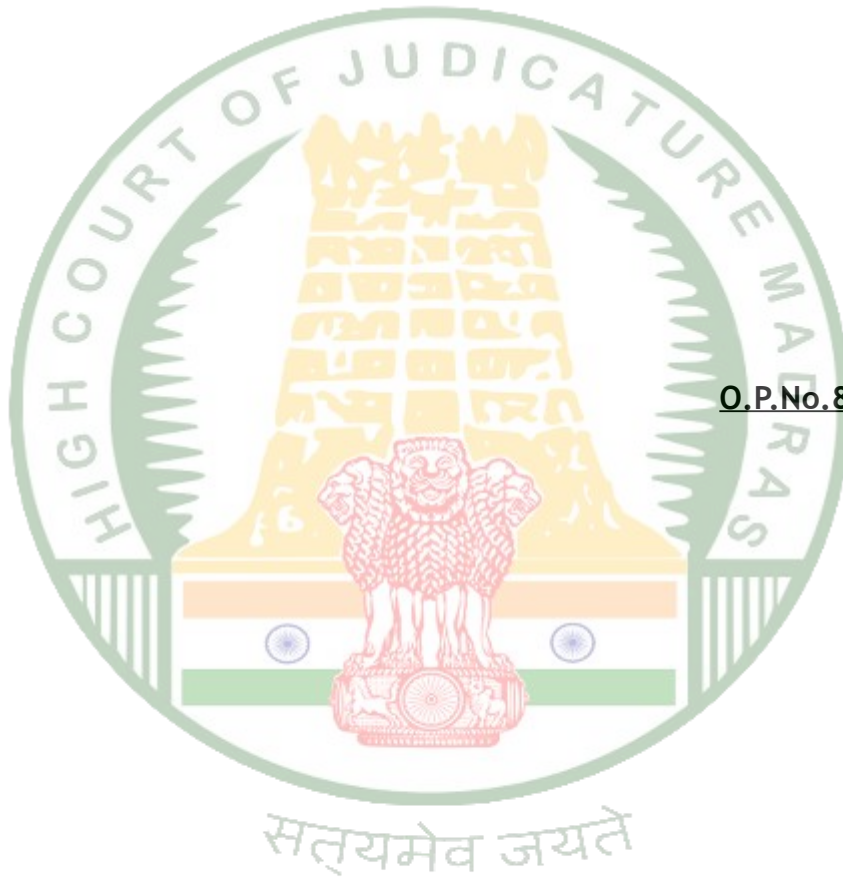
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K.KALYANASUNDARAM, J.

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