

O.P.No.702 of 2019

SENTHILKUMAR RAMAMOORTHY, J

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

2. I heard the learned counsel for the petitioners.

3. The learned counsel for the petitioner submits that the mother of the petitioners Smt.Shanmugavalli, who ordinarily resided at No.630, 19th Block, Nagooranthottam, New Washermanpet, Chennai-81, died intestate on 10.12.2013 and that her estate comprises the assets specified in the schedule to the petition, which are within the jurisdiction of this Court, and in respect whereof a Succession Certificate is required.

4. The learned counsel for the petitioners further submits that paper publication was effected on 22.10.2019 in the Tamil daily "Makkal Kural". He further submitted that evidence was recorded before the learned Master and that the first petitioner was examined as PW1. He also submitted that the said first petitioner filed a proof affidavit dated 26.11.2019 and that five documents were exhibited through the first petitioner as Ex.P1 to P5. The

<http://www.judis.nic.in> following documents were marked as exhibits by the petitioners:

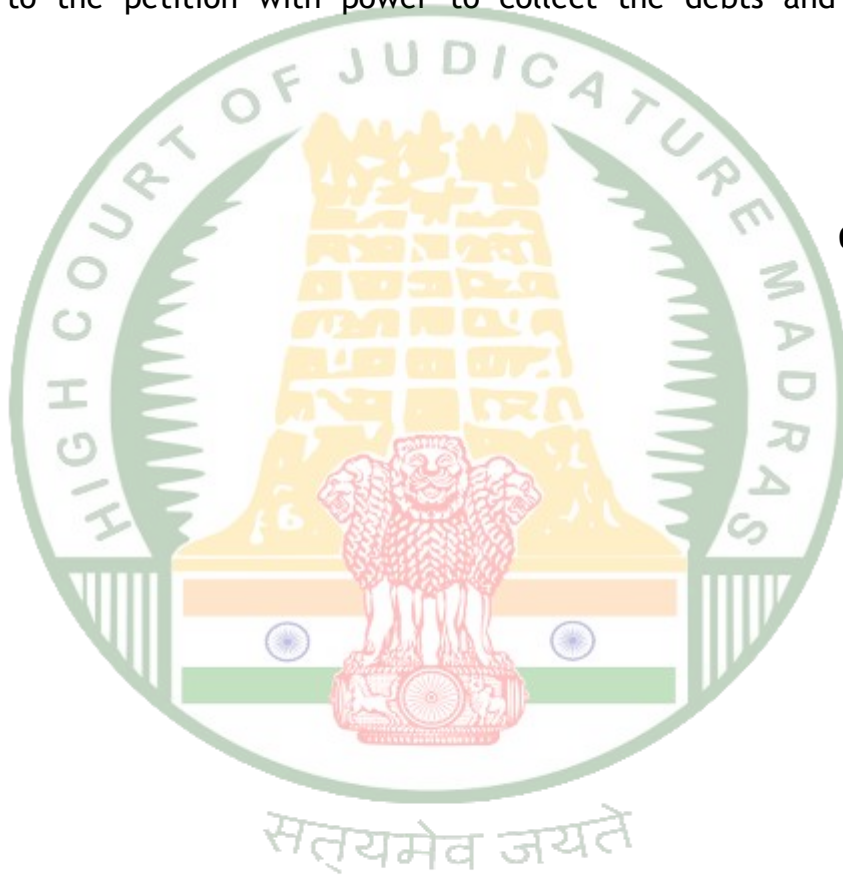
1. Ex.P1 is the computer generated copy of the death certificate of petitioners' mother A.Shanmugavalli, who died on 10.12.2013.
2. Ex.P2 is the original legal heirship certificate dated 13.07.2017 in respect of petitioners' mother Shanmugavalli.
3. Ex.P3 is the computer generated death certificate of their father N.Arumugam, who died on 27.12.2011.
4. Ex.P4 is the photocopy of savings account passbook bearing account No.264172755 in Tondiarpet Bazaar, Post Office, Chennai held by the deceased mother A.Shanmugavalli.
5. ExP.5 is a copy of paper publication effected in one issue of Tamil daily "Makkal Kural" dated 22.10.2019.

5. Upon considering the said submissions and on examining the relevant documents, it is clear that the petitioners are the daughters and son of the deceased Shanmugavalli and that they are Class I the legal heirs of the deceased, Shanmugavalli. It is also stated in the petition 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 a Will. It is further stated that no application was filed earlier for a succession certificate in respect of any debt or security belonging to the estate of the deceased.

6. Therefore, I am of the view that the petitioners have made out a case for grant of a Succession Certificate in favour of the petitioners. Accordingly, this Original Petition is ordered as prayed for and the Succession Certificate shall be granted to the petitioners in respect of the assets specified in the schedule to the petition with power to collect the debts and to receive interest.

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