

O.P.No.139 of 2018**K.KALYANASUNDARAM, J.,**

This Petition has been filed under Section 372 of the Indian Succession Act XXXIX read with Order XXV Rule 6 of O.S. Rules to grant Succession Certificate in favour of the petitioners.

2. It is the case of the petitioners that the deceased Antony Arokiyaraj, ordinarily resided at No.24, 'W' Block, Venkatapuram, Little Mount, Saidapet, Chennai - 600 015 and died on 04.12.2013. The deceased left the securities specified in the schedule within the jurisdiction of this Court. The deceased died intestate and though due and diligent search has been made for a Will but none has been found. The deceased was not married at the time of his death. The parents of the deceased predeceased him. The deceased at the time of his death left his brothers and sisters as his legal heirs and the next-of-kin, the petitioners herein. The petitioners as brothers and sisters, legal heirs of the deceased claim to be entitled to have share in the estate of the deceased. The Succession Certificate is required for the purpose of the terminal benefits payable by the Planning Development and Special I values Department Secretary. The assets in respect of which the Succession Certificate is required is of the value of Rs.4,00,000/- as on date of filing this Original Petition.

3. No application has been made to any District Court or to any

High Court for Probate of any Will of the deceased or for Letters of

Administration with or without Will annexed to his properties and credits and no application for Succession Certificate in respect of any debt or security belonging to the estate of the deceased has been made to any District Court or delegate or any High Court.

4. The second petitioner examined himself as PW1 and marked exhibits Exs.P1 to P6.

- a) Ex.P1 is the computer generated death certificate of his father C. Durai Raj, who died on 10.02.1992.
- b) Ex.P2 is the computer generated death certificate of his mother D. Arokamary, who died on 29.01.2009.
- c) Ex.P3 is the photocopy of Legal Heirship Certificate dated 30.03.2009 in respect of his mother D. Arokamary. (Marked after comparing and verifying with the original).
- d) Ex.P4 is the computer generated death certificate of his brother D. Antony Arokiya Raj, who died on 04.12.2013
- e) Ex.P5 is the photocopy of letter dated 15.05.2015 addressed to 4th petitioner Planning, Development and Special Initiatives Department, Secretariat, Chennai - 600 009 for obtaining succession certificate from competent court of law in respect of the terminal benefits held by his deceased brother D. Antony Arokiya Raj. (Marked after comparing and verifying with the original).
- f) Ex.P6 is a copy of paper publication effected in one issue of Tamil daily "Maalai Murasu" dated 19.04.2018

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 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 to receive the interest specified in the schedule, is issued.

msv

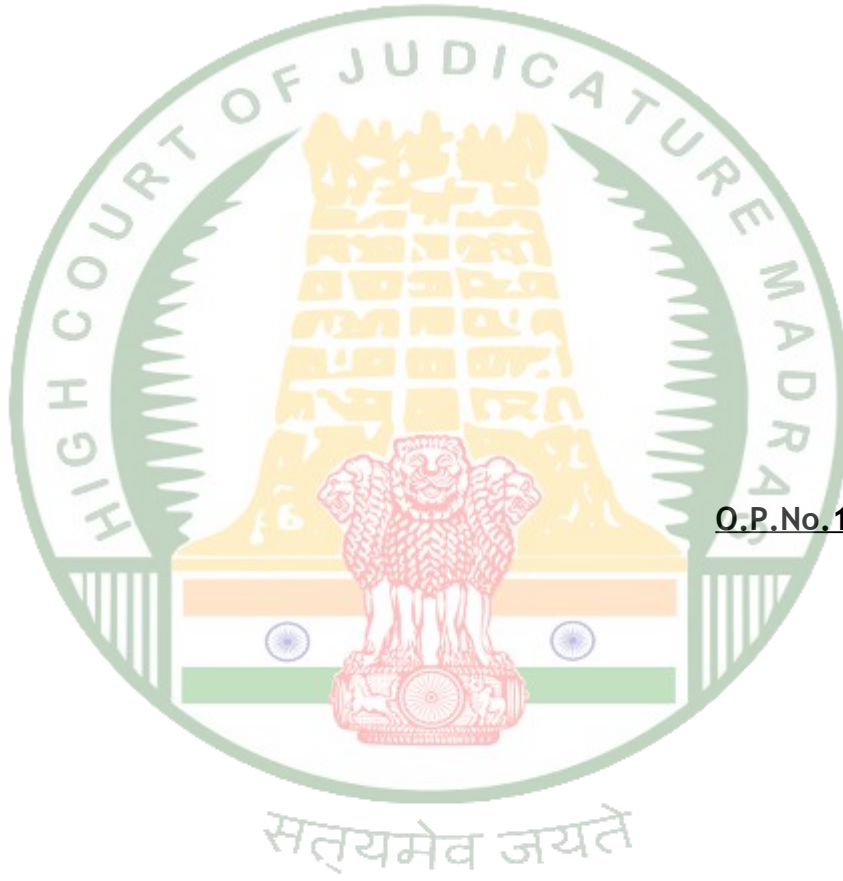
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O.P.No.139 of 2018

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