

O.P.No.701 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 the Original Side Rules for grant of succession certificate to the petitioners in respect of the assets specified in the Schedule to the petition with the power to collect the debts and to receive the interest thereon.

2. I heard the learned counsel for the petitioners.

3. The learned counsel for the petitioners submits that the deceased J.Ravi Kumar is the brother of the petitioners and that he ordinarily resided at No.1/14, Peters Colony, Royapettah, Chennai - 14 and left the property described in the Schedule within the jurisdiction of this Court. It is further stated that the deceased J.Ravi Kumar died intestate and that in spite of carrying out a due and diligent search, no Will was found. The learned counsel further submitted that the deceased was an employee of the Mylapore Hindu Permanent Fund Limited, Mylapore and that there was an industrial dispute between himself and his employer in I.D.No.634 of 1998 on the file of the II Additional Labour Court, Chennai. Subsequently, pursuant to the negotiations between the management and the employees, each employee was required to be paid a lumpsum of Rs.3,00,000/-. As regards the deceased J.Ravi Kumar, he

died even before the said settlement could be arrived at and therefore the petitioners are entitled to receive the said settlement amount of Rs.3,00,000/- from the employers of the deceased namely Mylapore Hindu Permanent Fund Limited.

4. The learned counsel also submitted that when the petitioners approached the Revenue authorities and requested for the issuance of a legal heir certificate, the Revenue authorities refused to do so on the basis that the petitioners are class II legal heirs and not class I legal heirs. Therefore he submitted that the petitioners have filed the present petition.

5. From the records, it is evident that evidence was adduced by the petitioners in support of their claim for the succession certificate. Such evidence had been adduced through the 4th petitioner Miss.J.Gayathri who was examined as P.W.1. The record discloses that the following exhibits were marked through P.W.1:

i. Ex.P1 is the computer generated death certificate of the deceased J.Ravikumar, who died on 16.09.2018.

ii. Ex.P2 is the original death certificate of their father A.Jeyamurthy, who died on 20.04.1991.

iii. Ex.P3 is the computer generated death certificate of their mother Padmavathy, who died on 19.04.2011.

iv. *Ex.P4 is the original legal heirship certificate dated 28.06.2011 in respect of their mother J.Padmavathy.*

v. *Ex.P5 is the original letter dated 04.02.2019 from the Mylapore Hindu Permanent Fund Limited addressed to all the petitioners.*

vi. *Ex.P6 is a copy of paper publication effected in one issue of Tamil Daily " Makkal Kural", dated 22.10.2019.*

6. On a perusal of the petition and the evidence adduced in the case and on considering the oral submissions, it is clear that the class I legal heir of the deceased J.Ravi Kumar, namely, his mother Padmavathy died on 19.04.2011 as evidenced by Ex.P3. The father of the deceased also died on 20.04.1991 as evidenced by Ex.P2. Ex.P4 namely the legal heirship certificate dated 28.06.2011 of the petitioners' mother discloses that the petitioners are the only surviving class II legal heirs. A copy of the original letter dated 04.02.2019 from the Mylapore Hindu Permanent Fund Limited has been marked as Ex.P5 with regard to the entitlement of the petitioners.

7. It has also been stated in the petition that no application was made to any District Court or delegate or to any High Court for Probate of any Will of the deceased J.Ravi Kumar or for the Letters of Administration with or without annexing the Will. It is further stated therein that no application for succession

certificate in respect of any debt or security of the deceased J.Ravi Kumar was made to any District Court or delegate or to any High Court.

8. Upon considering the abovesaid facts, it is found that the petitioners have made out a case for the grant of succession certificate. Accordingly, this petition is allowed as prayed for by granting the succession certificate to the petitioners in respect of the assets specified in the Schedule to the petition with power to collect the debts and to receive the interest thereon.

03.12.2019

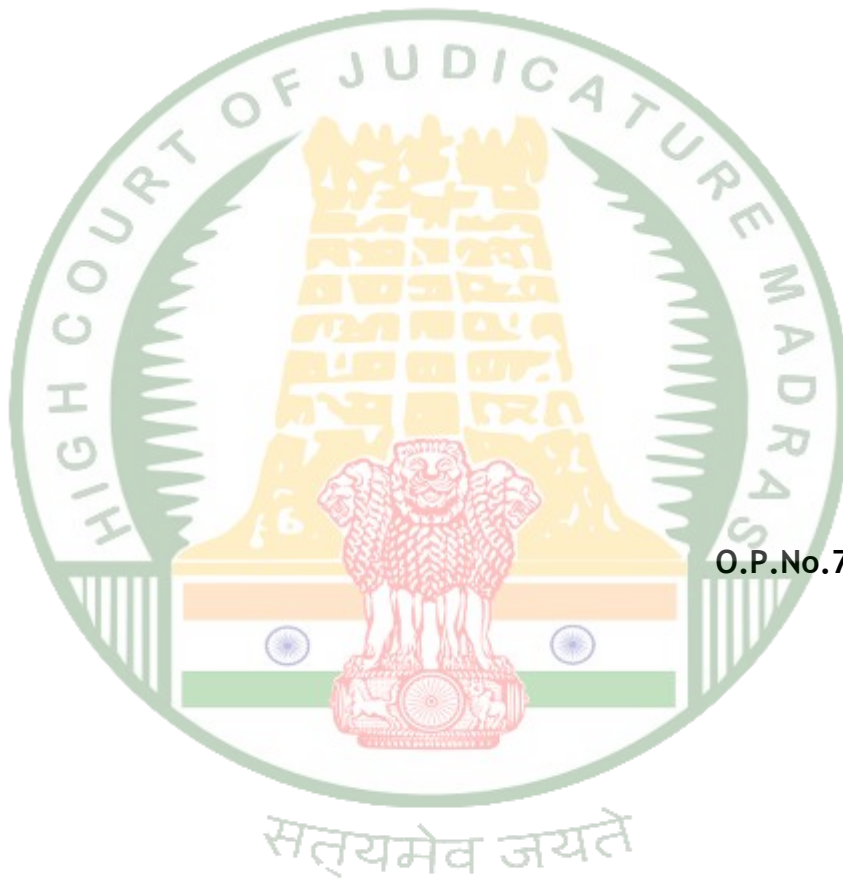
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