

O.P.No.478 of 2019

K.KALYANASUNDARAM, J.

This Petition has been filed under Section 372 of the Indian Succession Act, 1925 read with Order XXV Rule 6 of the Madras High Court Original Side Rules to grant Succession Certificate in favour of the first petitioner.

2. It is the case of the petitioners that the deceased Deepak J.Shah ordinarily resided at No.14/11, Hanumantha Road, Balaji Nagar, Royapettah, Chennai-600 014 and died on 30.05.2018 at Sunshine Global Hospital, Surat, Gujarat. The deceased died intestate and left the property specified in the Schedule within the jurisdiction of this Court. Though due and diligent search has been made for a Will but none has been found. The deceased at the time of his death, left behind the petitioners herein, as his Class-I legal heirs, and they are entitled to equal share in the estate.

3. The Succession Certificate is required for the purpose of claiming Public Provident Fund amount from the State Bank of India, Mylapore Branch, where the deceased maintained the account as set out in the Schedule in favour of the first petitioner, for which, the petitioners 2 and 3 have given their consent. The assets in respect of which the Succession Certificate is required are of the total value of Rs.5,12,669/-. 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 and no application has been made for a Succession Certificate in respect of any debt or security belonging to the estate of the deceased to any District Court or delegate or to any High Court.

4. The first petitioner examined herself as PW-1 and marked exhibits Exs.P1 to P6.

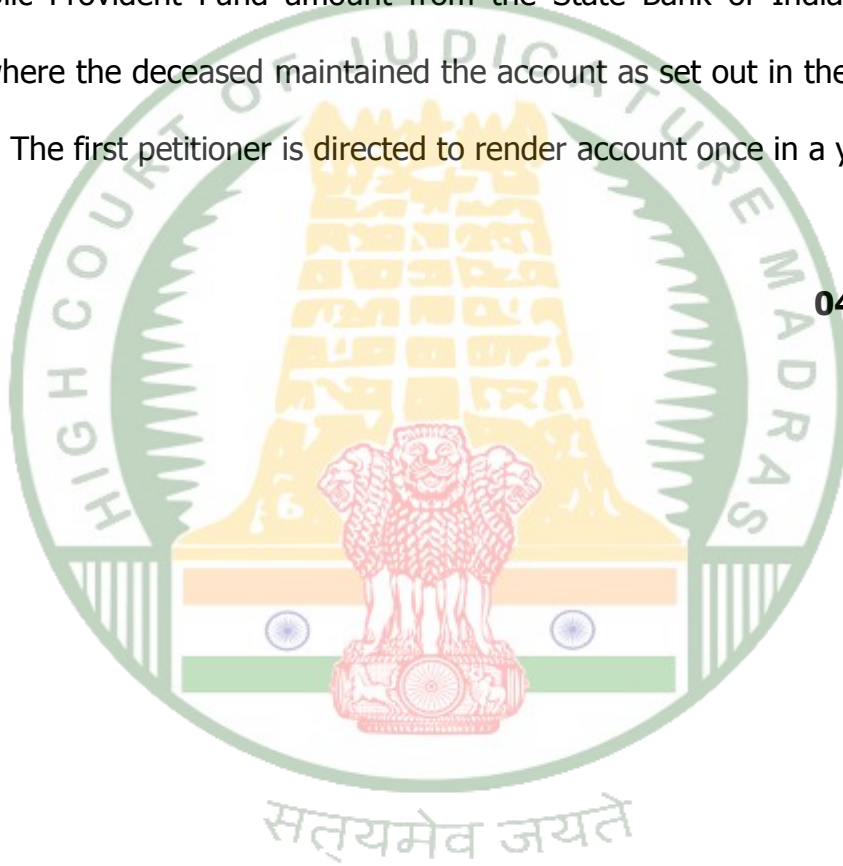
- a) Ex.P1 is the computer generated death certificate of her husband Deepak J.Shah, who died on 30.05.2018.
- b) Ex.P2 is the photocopy of account in public provident fund in State Bank of India, Mylapore Branch bearing account No.32911083055 held by her deceased husband Deepak J.Shah.
- c) Ex.P3 is the computer generated Legal Heirship certificate dated 13.07.2018 in respect of her deceased husband Deepak J.Shah.
- d) Ex.P4 is the consent affidavit given by the 2nd petitioner (her son) stating that he has no objection in grant of Succession Certificate in her favour.
- e) Ex.P5 is the consent affidavit given by the 3rd petitioner (her mother-in-law) stating that she has no objection in grant of succession certificate in her favour.
- f) Ex.P6 is a copy of paper publication effected in one issue of Tamil daily "Makkal Kural" dated 05.09.2019.

She has further stated in her evidence 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 first petitioner has succeeded the Estate of the deceased. Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate to the first petitioner with power to claim Public Provident Fund amount from the State Bank of India, Mylapore Branch, where the deceased maintained the account as set out in the Schedule, is issued. The first petitioner is directed to render account once in a year.

04.11.2019

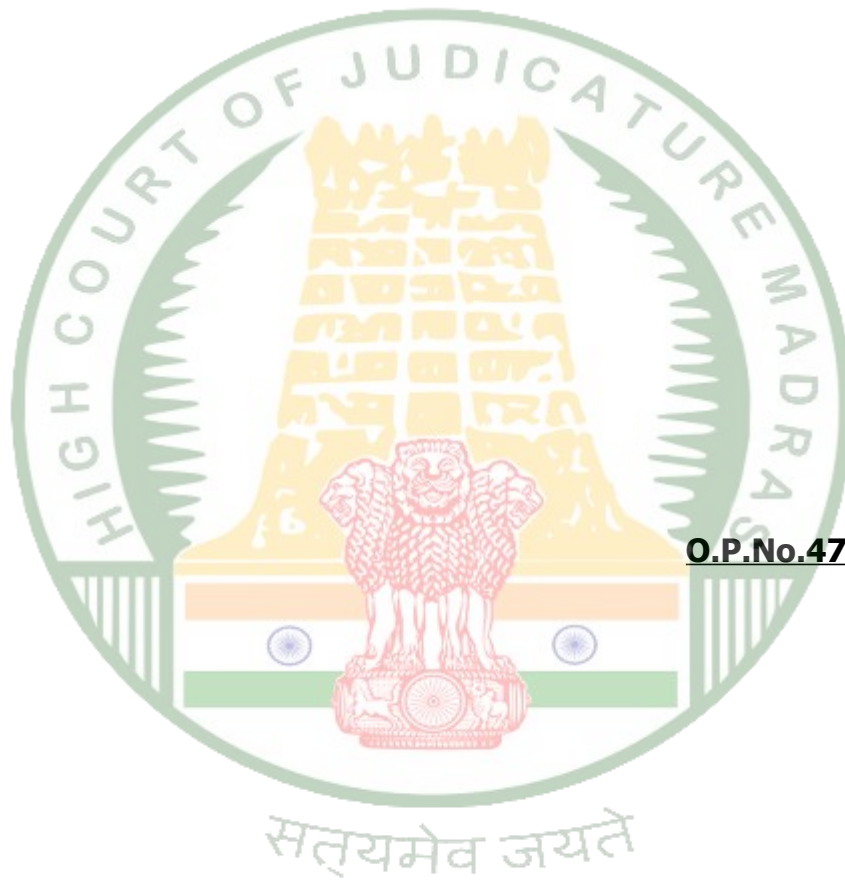
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