

O.P.No.730 of 2018**K.KALYANASUNDARAM, J.,**

This Petition has been filed under Section 372 of the Indian Succession Act 1925 read with Order XXV Rule 6 of O.S. Rules to grant Succession Certificate in favour of the petitioner.

2. It is the case of the petitioner that the her father S.Ramachandran died on 28.12.1995 and her mother Smt.Geetha predeceased her husband on 03.08.1995, leaving behind the petitioner and her brother R.Vijayaraj. The petitioner's grandmother Smt.Valliammal had purchased a property at No.69, Appa Rao Garden, Shenoy Nagar, Chennai - 600 030 vide a registered Sale Deed dated 16.02.1966 bearing Doc.No.449 of 1966 in the SRO, Periamet. Her grandmother died intestate on 19.05.1987 leaving behind her Mr.S.Selvarajan, S.Ramachandrn and S.Chandrasekaran are the sons and S.Padmavathi, daughter as the legal heirs. After the demise of the petitioner's grandmother, her property had derived upon her above said legal heirs in equal proportion i.e., each entitled for 1/4th undivided share in the property, as the same was self acquired. During the life time of the petitioner, the petitioner's father, he, his brothers and sister had jointly entered into a sale agreement in respect

of his grandmother's property with one Mr.K.Anndurai. Since, the petitioner's father died, the said sale agreement was cancelled and a new sale agreement was entered into with one Mr.Subbiah by her paternal uncles and aunt in respect of their 3/4th undivided share alone. The petitioner and her deceased brother R.Vijayaraj were minors at that point of time, her paternal uncle S.Selvarajan had filed O.P.No.466 of 1998 for appointment of guardian and for permission to sell the 1/4th share of the petitioner and her deceased brother. The said OP was allowed and the petitioner's paternal uncle was permitted to sell the share of the petitioner and her deceased brother and deposit the same into a nationalized bank for 5 years and to collect the monthly interest for the petitioner and her deceased brother's education and maintenance. Accordingly, a sum of Rs.75,000/- towards the share of the petitioner and another sum of Rs.75,000/- towards the share of the petitioner's deceased brother's share were deposited with Indian Overseas Bank, Aminjikarai Branch, Chennai.

3. The petitioner's brother R.Vijayaraj died on 31.05.2001 in a road accident, before he attains majority. The petitioner after she attaining majority had filed necessary applications in A.No.82 to 85 of 2012 to declare major, discharge the guardianship of her paternal uncle, permission to encash her fixed deposit and to hand over her deceased brother R.Vijayaraj's fixed deposit for encashment. The

petitioner was declared major, the guardianship of her paternal uncle was discharged and she was permitted to encash her fixed deposit. Whereas the application for permission to encash the fixed deposit of her deceased brother R.Vijayaraj, she was directed to obtain necessary succession certificate to collect the amount due under the deposit in the name of R.Vijayaraj. The deceased left the debt specified in the schedule within the jurisdiction of this Court.

4. The deceased at the time of his death, left the petitioner as his only class-II legal heir. The petitioner is the only legal heir of her deceased brother R.Vijayaraj and is entitled to claim the debts of the deceased R.Vijayaraj. The Succession Certificate is required for the purpose of collection of debts and to receive interest in respect of the debts specified in the schedule. The assets in respect of which the Succession Certificate is required is of the value of Rs.75,000/- as on date of filing this Original Petition.

5. 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.

6. The petitioner examined herself as PW1 and marked exhibits Exs.P1 to P6.

- a) Ex.P1 is the computer generated copy of the death certificate of Ms.Geetha, who died on 03.08.1995.
- b) Ex.P2 is the photocopy of the Legal Heirship Certificate dated 19.04.1999 in respect of Mr.T.Subramani. (The original has been misplaced by her elders).
- c) Ex.P3 is the photocopy of the death certificate of Mr.R.Vijayaraj, who died on 31.05.2001 (Marked after comparing and verifying with the original).
- d) Ex.P4 is the photocopy of the fixed deposit receipt of Indian Overseas Bank dated 02.11.1998 in the name of Mr.R.Vijayaraj (Marked after comparing and verifying with the original).
- e) Ex.P5 is the certified copy of the order dated 29.08.2017 passed in A.No.5009 of 2017 in O.P.No.446 of 1998 by this Hon'ble Court.
- f) Ex.P.6 is a copy of paper publication effected in one issue of Tamil daily "Makkal Kural" dated 15.11.2018.

She has further stated in her evidence that she has not filed any other petition seeking the same relief.

7. Considering the averments made in the petition and the documents filed by the petitioners, I am satisfied that the petitioner 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 petitioner with power to collect the debts and to receive interest specified in the schedule, is issued.

msv

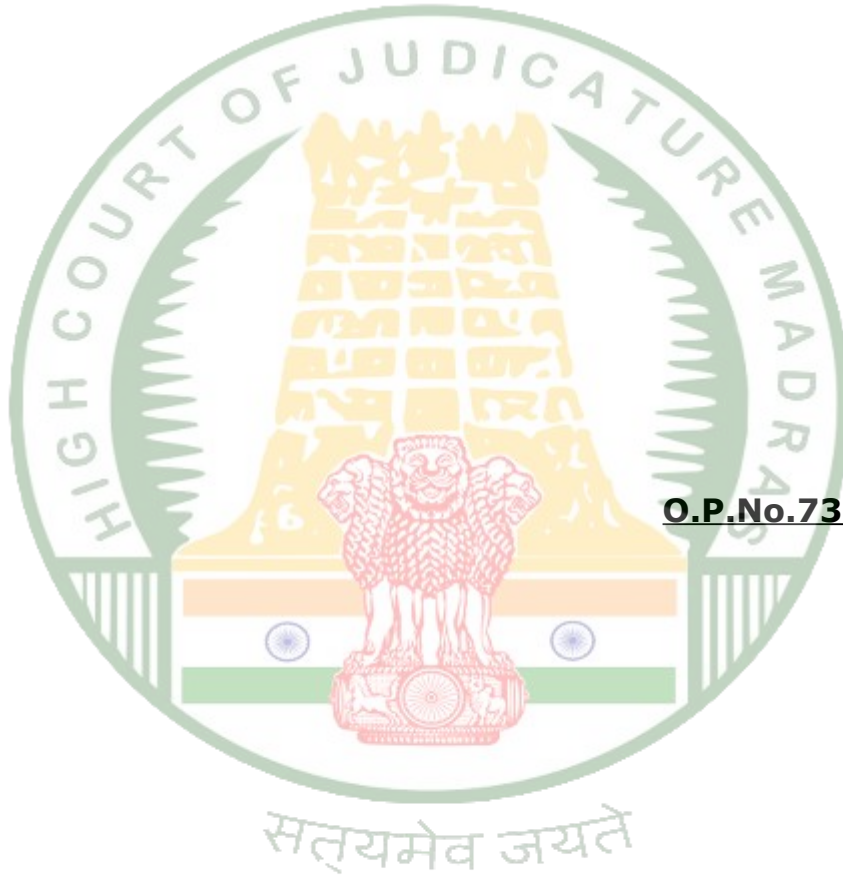
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