

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(TESTAMENTARY AND INTESTATE JURISDICTION)

FRIDAY, THE 07th DAY OF JUNE 2019

THE HON'BLE MR. JUSTICE R.SUBRAMANIAN

O.P. No.753 of 2018

In the matter of
Indian Succession Act
XXXIX of 1925

and
In the matter of certain
Securities/debts of the
Sri.G.Srinivasan(Intestate
Deceased)

Mrs.G.Karpagam,
W/o. Gurusamy,
No.14, M.R.R.Nagar,
Mittanamalli, IAF,
Chennai 600 055

...Petitioner

-vs-

Mr.Gurusamy,
S/o.R.Murugan,
Mugayur Kolavanji Village,
Mugaiyur, Cheyyur Taluk,
Kancheepuram District,
Pin 603 305

...Respondent

Original Petition praying that this Honble Court
be pleased that a Succession Certificate may be granted to
the petitioner with power to collect the debts service,
death and terminal benefit and to receive the interest
specified in the schedule hereto.

schedule

Serial No	Name of Debtor	Amount of debts including interest on the date of application for certificate	Description and date of instruction, if any, by which the debt is secured
1	Hewlett-Packard (India) Software Operation Pvt.Ltd	Rs.17,47,388.00	Terminal benefits of deceased viz., salary for last month, provident fund, Gratuity, BSLI, and EDLI

This Original Petition coming on this day before this Court for hearing the court made the following order:

The petitioner seeks succession certificate in respect of the terminal benefits of the deceased son G.Srinivasan, who died intestate on 13.05.2017. The petitioner is the mother of the deceased G. Srinivasan and the respondent is the father. The parties being Hindus and the mother being a Class- I heir, she will be entitled to the entire terminal benefits to the exclusion of the father.

2. The learned counsel appearing for the respondent would however placed reliance on the affidavit of the employer filed in A.No.6053 of 2017, which has been marked as Ex.P6, wherein it is stated that the deceased Srinivasan has shown his father as a nominee for his provident fund and other amounts. It is settled law that nomination by itself cannot confer any right on a nominee unless the nominee is a heir as defined under the Hindu Succession

be entitled to entire terminal benefits of the deceased. The petitioner has also been examined as P.W.1 and she has produced the death certificate and legal heirship certificate of Srinivasan as Exs.P1 and P2 respectively.

3. In view of the same, I find that the petitioner is entitled to succession certificate in respect of the terminal benefits of the deceased son G.Srinivasan by pays a sum of Rs.17,47,388/-. In fine, this original petition is allowed directing issuance of succession certificate in respect of the assets mentioned in the schedule to the petition in favour of the petitioner.

sd/-R.S.M.J

07.06.2019

//Certified to be a true copy//
Dated this the day of 2019.

R.s/17.06.2019

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.

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