

O.P.No.755 of 2018**K.KALYANASUNDARAM, J.,**

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

2. It is the case of the petitioners that the deceased N.Charley, ordinarily resided at No.3719, 2nd Main Road, MMDA Mathur, Manali, Chennai - 600 068 and died on 18.10.2015 at Kilpauk Medical college Hospital, Chennai. The deceased left the debt 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 died intestate leaving behind him, all the petitioners herein as his Class-I legal heirs. The petitioners as class-I heirs of the deceased claim to be entitled to have share in the estate of the deceased. The Succession Certificate is required for collection of debt payable by Employees Provident Fund Scheme 1952 and the Employees Pension Scheme 1995. The asset in respect of which the Succession Certificate is required is of the value of Rs.73,344.00/- as on date of filing this Original Petition.

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

<http://www.judis.nic.in> 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 first petitioner examined himself as PW1 and marked exhibits Exs.P1 to P8.

- a) Ex.P1 is the original death certificate of her husband Charley, who died on 18.10.2015.
- b) Ex.P2 is the original Legal Heirship Certificate dated 20.07.2016 in respect of her husband N.Charley
- c) Ex.P3 is the photocopy of the family card for the period 2005-2009 in respect of her husband N.Charley (Marked after comparing and verifying with the original).
- d) Ex.P4 (Series) are the original statement of Employee Provident Fund and Pension Fund account in respect of her husband N.Charley given by M/s.Vasan Eye Care Hospitals for the period from 1st April 2011 to 31st March 2015.
- e) Ex.P5 is the original application given by the 1st petitioner to the employer of her husband M/s. Vasan Eye Care Hospitals.
- f) Ex.P6 is the photocopy of her Aadhaar Card (Marked after comparing and verifying with the original).
- g) Ex.P7 is the photocopy of her savings bank account bearing account No.613426024 in Indian Bank, Marthur Branch showing the statement for the period 24.07.2015 to 17.04.2018. (Marked after comparing and verifying with the original).

- h) Ex.P8 is a copy of paper publication effected in one issue of Tamil Daily "Maalai Sudar" dated 07.10.2018.

She has further stated in his 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 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 first petitioner with power to collect the debts and to receive the interest if any specified in the schedule, is issued.

28.01.2019

msv

सत्यमेव जयते

WEB COPY

K.KALYANASUNDARAM, J.,

msv



O.P.No.755 of 2018

WEB COPY

28.01.2019