

O.P.No.687 of 2016

K.KALYANASUNDARAM, J.

This Petition has been filed under Section 372 of Indian Succession Act, 1925 r/w Order XXV Rule 6 of O.S Rules, 1956.

2.In the petition, it is stated that the deceased P.S.Samson died on 28.02.2010 at No.32, Officers Colony, 5th Street, Adambakkam and he ordinarily resided at the above mentioned address and left the properties within the jurisdiction of this Court. The deceased died intestate and though due and diligent search has been made for Will, but, none has been found. The first petitioner is the wife and the petitioners 2 and 3 are the sons of the deceased. The marriage between the first petitioner and the deceased was solemnized on 19.04.1999. The deceased worked in the office of the Commissioner of Customs (Import) before his marriage itself and at that time, the deceased his mother, father, brother and two sisters as his nominees. The first petitioner also worked in the office of the Commissioner of Customs (Import) at Chennai till the death of the deceased and thereafter, she went on deputation and after the period of deputation, she is now working as Preventive Officer in the office of the Commissioner of Customs (Import), Chennai. After the death of the deceased, the first

petitioner claimed death benefits accrued to the credit of the deceased by submitting her marriage certificate and birth certificates of her children along with the application. The employer of the deceased directed the first petitioner to produce the succession certificate since as per the records the nomination stands in the name of the mother, father, brother and sisters of the deceased. The respondent, who is the mother of the deceased, also claimed death benefits of the deceased P.S.Samson. Subsequently, since the respondent died on 05.04.2017 and the parties being Christians, the respondent is not an immediate heir of the deceased, the name of the respondent was struck out by order dated 03.04.2019. The deceased at the time of his death left behind the petitioners herein as his only surviving legal heirs, who claims to be entitled a share of the estate of the deceased. The succession certificate is required for the purpose of getting the death benefits in the credit of the deceased payable by his employer and the assets in respect of which the succession certificate is required are of the value of Rs.18,23,743/-.

3.No application has been made at any District court or delegate or to any other High Court for probate of any Will of the said deceased or Letters of Administration with or without the Will annexed to his property and credits or for a Succession Certificate. Hence, the petitioners have

approached this Court for grant of Succession Certificate in favour of the petitioners, with power to collect the securities and to receive the interest and dividends or proceeds and negotiate and transfer the securities specified in the schedule.

4.The first petitioner examined herself as P.W.1 and deposed evidence on behalf of the petitioners 2 and 3 and also marked the following documents viz., Exs.P1 to P6.

i) Ex.P1 is the original Marriage certificate dated 19.04.1999 issued on 04.05.2010 given by St.Luke's Church, Anna Nagar, Chennai - 40.

ii) Ex.P2 is the original birth certificate of my first son Eric Sam, who was born on 12.10.1999 issued on 30.03.2010.

iii) Ex.P3 is the original birth certificate of my second son Ervin Sam, who was born on 10.01.2004 issued on 26.03.2010.

iv) Ex.P4 is the original death certificate of my husband P.S.Samson, who died on 28.02.2010 issued on 18.03.2010.

v) Ex.P5 is the original letter dated 01.03.2010 from office of the Chief Commissioner of Customs, Custom House, No.60, Rajaji Salai, Chennai-1 addressed to me in respect of the terminal benefits of my deceased husband P.S.Samson and also asking for a succession certificate from competent court of law.

vi) Ex.P6 is a copy of paper publication effected in one issue of Tamil daily "Maalai Murasu" dated 26.08.2019.

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 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 petitioners with power to collect the securities and to receive the interest and dividends or proceeds thereon and negotiate and transfer, is issued. The petitioners are directed to render accounts once in a year.

20.09.2019

cse

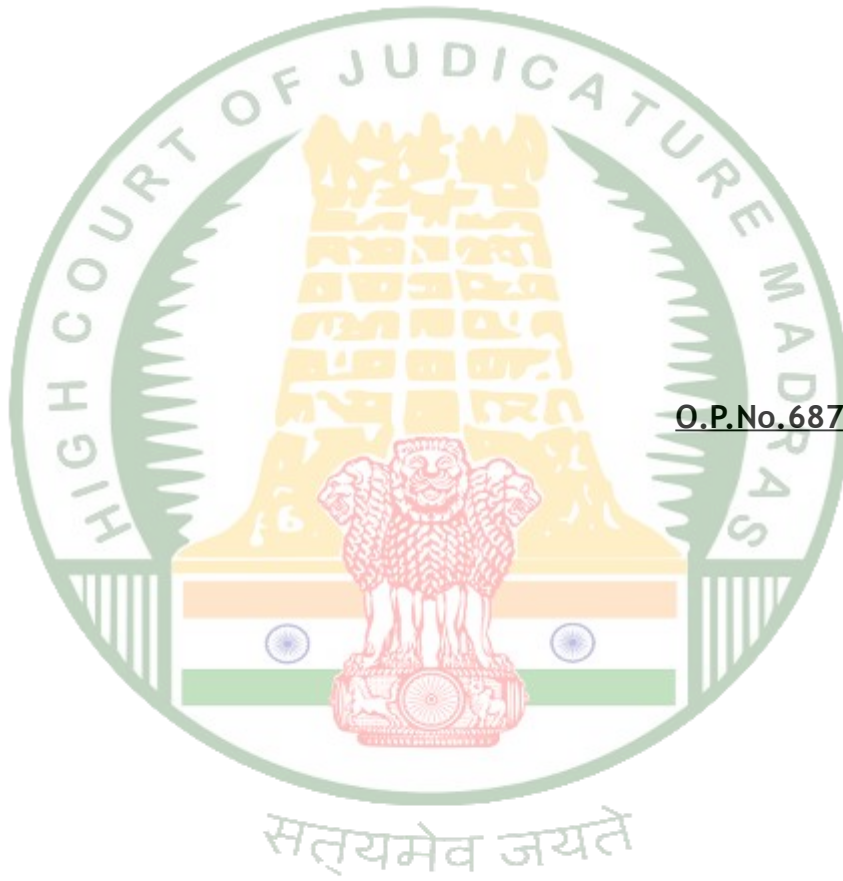
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