

O.P.No.533 of 2019

SENTHILKUMAR RAMAMOORTHY,J

This petition has been filed under Section 372 of the Indian Succession Act 1925 and Order XXV Rule 6 of O.S.Rules to grant succession certificate in favour of the third petitioner with the power to collect the debts and to receive interest as per the details specified in Annexure-A and as specified in Schedule.

2. I heard the learned counsel for the petitioners.

3. The learned counsel for the petitioners submits that publication was effected in the matter and that both petitioners 1 and 2 have given their consent for grant of Succession Certificate in favour of the third petitioner. He further submits that evidence was recorded before the learned Master and that the third petitioner was examined as a witness. He further submits that eight documents viz., Exhibits P1 to P8, were exhibited through the said third petitioner and that the said documents included the consent affidavits given by petitioners 1 and 2. The following documents were marked as exhibits by the third petitioner:

(1) Ex.P1 is the computer generated death certificate of her father P.T.Sankaran Nayar, who died on 05.02.2016.

(2) Ex.P2 is the photocopy of the Legal Heirship Certificate dated 02.04.2016 in respect of P.T.Sankaran Nayar.

- (3) Ex.P3 is the photocopy of the Legal Heirship Certificate dated 09.08.2017 in respect of her deceased mother Thangam M.K.
- (4) Ex.P4 is the photocopy of the LIC Policy bond dated 06.11.2013 standing in the name of her father P.T.Sankaran Nayar.
- (5) Ex.P5 is the photocopy of the letter dated 05.01.2018 addressed to the third petitioner by the Department of Posts.
- (6) Ex.P6 is the consent affidavit given by the 1st petitioner.
- (7) Ex.P7 is the consent affidavit given by the 2nd petitioner.
- (8) Ex.P8 is a copy of paper publication effected on one issue of Tamil daily "Maalai Sudar" dated 07.09.2019.

4. Upon considering the said submissions and on examining the relevant documents, it is clear that the deceased, P.T.Sankaran Nayar, ordinarily resided at Flat. No.S1, Door no.50, 2nd Floor, 7th Street, J-Block, Anna Nagar, East, Chennai, which is within the jurisdiction of this Court, and that the petitioners are the only legal heirs of the deceased P.T.Sankaran Nayar and that the other two legal heirs have given their consent. It is also clear that 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 with or without a Will. It is further evident that no application for a 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 to any High Court.

5. Therefore, I am satisfied that the petitioners have made out a case for grant of a Succession Certificate in favour of the third petitioner.

6. Accordingly, this Original Petition is ordered as prayed for by granting Succession Certificate to the third petitioner in respect of the assets lited in the schedule as Annexure-A with power to collect the debts and to receive interest therein.

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02.12.2019



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