

O.P.No.597 of 2019

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 for grant of succession certificate.

2.In the petition, it is stated that the deceased M.S.Viswanathan, died on 14.07.2015 at Fortis Malar Hospitals, Adyar, Chennai and he ordinarily resided at Old No.46, New No.87, Santhome High Road, Mylapore, Chennai-600028 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 deceased is the father of the petitioners herein. 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 receiving the royalty amount accrued for the musical works of the deceased M.S.Viswanathan from Indian Performing Right Society Limited and the assets in respect of which the succession certificate is required are of the value of Rs.5,00,000/-.

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 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 fifth petitioner examined herself as P.W.1, filed proof affidavit and deposed evidence on behalf of the other petitioners and also marked the following documents viz., Exs.P1 to P4.

i) Ex.P1 is the computer generated copy of the death certificate of Mr.M.S.Viswanathan, who died on 14.07.2015.

ii) Ex.P2 is the original Legal Heirship certificate dated 24.07.2015 in respect of Mr.M.S.Viswanathan.

iii) Ex.P3 is the photocopy of the deed of assignment dated 27.01.1972.

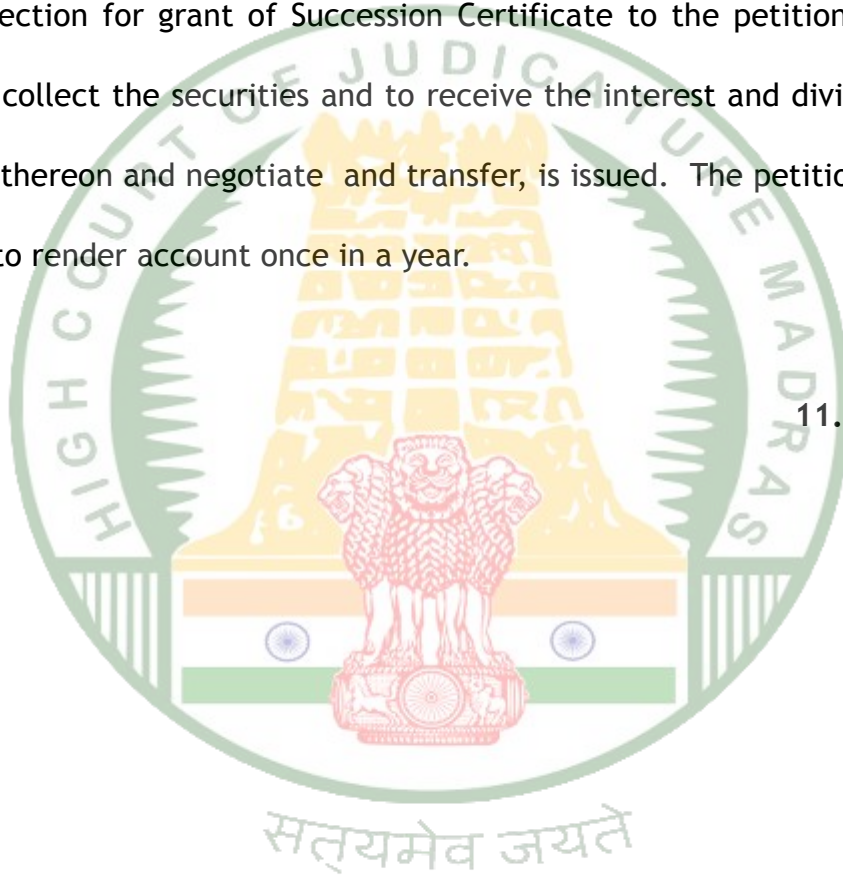
iv) Ex.P4 is a copy of paper publication effected in one issue of Tamil daily "Maalai Sudar", dated 15.09.2019.

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 account once in a year.

cse

11.11.2019

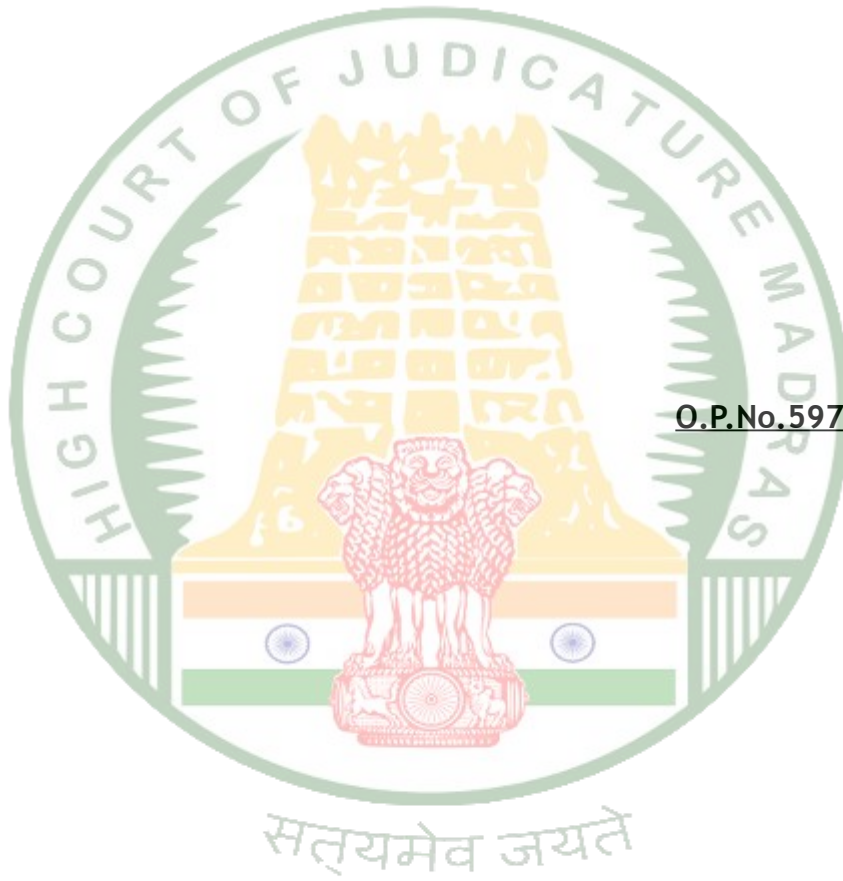


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