



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(TESTAMENTARY AND INTESTATE JURISDICTION)

FRIDAY, THE 20TH DAY OF DECEMBER 2019

THE HON'BLE MR. JUSTICE SENTHILKUMAR RAMAMOORTHY

O.P.No.697 of 2019

In the matter of Indian
Succession Act, XXXIX of
1925
and

In the matter of
DEBTS belonging to
Mr.R.C.Sathianathan-
Intestate Deceased.

1. C.MAHESWARI
W/o.P.Ravichandran,
No.13,First Main Road,
Thirupur Kumaran Nagar,
Veirampet, Mudaliarpet,
Pondicherry-4.

..Petitioner

-vs-

1. C.HEMALATHA
W/o.Mr.M.Purusothaman,
No.38/52,Unnis Ali Street,
Ellis Road,
Anna Salai, Chennai-600 002.

2. C.VIMALADEVI
W/o.Mr.J.Anbalagan No.19/41,
Thiruvalluvarpettai, Mandaivelli,
Chennai-600028.

3. C.DEEPA
W/o.K.Dinakaran No.21,
Medavakkam Main Road, Adambakkam,
Chennai-600 088.

..Respondents

Original Petition praying that this Hon'ble Court be
pleased to grant a Succession certificate to the petitioner
with the power to collect the debts and to receive interest
specified in the schedule in the petition.



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

This petition is filed for the grant of Succession Certificate to the petitioner in respect of the estate of her deceased brother Mr.R.C.Sathianathan.

2. I heard the learned counsel for the petitioner. The learned counsel for the petitioner submitted that the petitioner's brother Mr.R.C.Sathianathan died on 11.08.2018 at No.27/15, Gandhi Street, Ullagaram, Nanganallur, Chennai 600 061, which was also the place of ordinary residence of the deceased. He further submitted that the respondents are the sisters of the petitioner and that the petitioner's brother died as a bachelor. He further submitted that the petitioner's mother predeceased him on 06.06.2018 and that the father of the deceased also predeceased him. Further he submitted that the deceased left behind savings in his PF account with the Employees' Provident Fund Organisation.

3. In order to establish the case, the learned counsel submitted that the petitioner was examined as P.W.1 and the following eight documents were exhibited through P.W.1:

- (1)Ex.P1 - computer generated death certificate of Mr.R.C.Sathianathan, younger brother of the petitioner, who died on 11.08.2018.
- (2)ExP2 - Computer generated death certificate of Mrs.C.Santha, mother of the petitioner, who died on 06.06.2018.
- (3)Ex.P3 - Computer generated Legal Heirship certificate dated 15.03.2019 in respect of Mrs.C.Santha, mother of the petitioner.
- (4)Ex.P4 - Original letter dated 28.06.2019 issued by Employees' Provident Fund Organisation to the petitioner asking for succession certificate from competent court of law.
- (5)Ex.P5 - consent affidavit given by the first



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respondent stating that she has no objection in grant of succession certificate in favour of the petitioner.

(6)Ex.P6 - Consent affidavit given by the second respondent stating that she has no objection in grant of Succession Certificate in favour of the petitioner.

(7)Ex.P7 - Consent affidavit given by the third respondent stating that she has no objection in grant of Succession Certificate in favour of the petitioner.

(8)Ex.P8 - Copy of paper publication effected in one issue of Tamil daily "Maalai Sudar" dated 16.10.2019.

Consequently, the learned counsel submitted that the petitioner is entitled to succeed to the estate of her brother.

4. I considered the submissions of the learned counsel and examined the evidence on record. From the aforesaid, the following is clear.

- i. The petitioner's brother Mr.R.C.Sathianathan died on 11.08.2018 as evidenced by Ex.P1.
- ii. The petitioner's mother Mrs.C.Santha died on 06.06.2018 as evidenced by Ex.P2.
- iii. As per Ex.P3, which is the legal heirship certificate dated 15.03.2019 of the petitioner's mother, the petitioner, the respondents and the deceased are her class-I legal heirs.
- iv. The respondents have given consent affidavits stating that they have no objection to the grant of Succession Certificate in favour of the petitioner (Exs.P5 to P7).
- v. Paper Publication was also effected (Ex.P8).



5. It is stated in the petition that no application was 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 the Will annexed and that no earlier application was filed for issuing Succession Certificate in respect of the estate of the deceased.

6. From the aforesaid, it may be concluded that the petitioner is entitled to succeed to the estate of the deceased. Accordingly, this petition is allowed by directing that the succession certificate be granted to the petitioner in respect of the assets specified in the schedule to the petition with the power to collect the debts and receive the interest thereon.

Sd/.S.K.R.J.

20.12.2019

//Certified to be a true copy//
Dated this the day of 2020.

SU/07.01.2020

COURT OFFICER

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