

Original Petition No.1021 of 2018

SENTHILKUMAR RAMAMOORTHY,J.

This Petition is filed under Section 372 of the Indian Succession Act, 1925 r/w Order XXV Rule 6 of O.S. Rules for issuance of a succession certificate to the Petitioners with power to collect the debts and to receive interest, dividends and negotiate and transfer the assets specified in the schedule hereto.

2. I heard the learned counsel for the Petitioners. The learned counsel for the Respondent was not present although his name is printed in the cause list.

3. The learned counsel for the Petitioners submitted that the first Petitioner is the wife of the deceased in respect of whose estate the succession certificate is requested. He further submitted that the Petitioners 2 to 4 are the daughters of the first Petitioner and the deceased. In the petition, it is stated that Mr.P.N.Devarajan died intestate at Fortis Malar Hospital, Adyar, Chennai on 02.11.2017 and his death was registered with the Chennai Corporation on 08.11.2017. The learned counsel further submitted that the succession certificate is requested in respect of the fixed deposits listed in the schedule to the

Petition. He also submitted that evidence was recorded before the learned Master, wherein the second Petitioner was examined as P.W.1 and the following 10 documents were exhibited through P.W.1.

(i) Ex.P1 is the computer generated copy of the death certificate of Mr.P.N.Devarajan, who died on 02.11.2017.

(ii) Ex.P2 is the photo copy of the Legal Heirship certificate dated 22.12.2017 in respect of Mr.P.N.Devarajan.

(iii) Ex.P3 is the photo copy of the term deposit receipt of Bank of Baroda bearing receipt No.598461 of Mr.P.N.Devarajan.

(iv) Ex.P4 is the photo copy of the fixed deposit receipt of Corporation Bank bearing Account No.530401013191315 of Mr.P.N.Devarajan.

(v) Ex.P5 is the photocopy of the fixed deposit receipt of Indian Bank bearing Account No.6366971133 of Mr.Peranamallur Narayanaswamy Devarajan.

(vi) Ex.P6 is the photo copy of the Kotak Mutual Fund statement in the name of P.N.Devarajan.

(vii) Ex.P7 is the computer generated copy of the DSP Black Rock Mutual Fund Account statement held by Mr.P.N.Devarajan.

(viii) Ex.P8 is the computer generated copy of the L & T Mutual Fund account statement in respect of Folio No.685501/91 held by Mr.P.N.Devarajan.

(ix) Ex.P9 is the computer generated copy of the HDFC Mutual Fund account statement in respect of Folio No.4674035/21 held by Mr.P.N.Devarajan.

(x) Ex.P10 is a copy of paper publication effected in one issue of Tamil Daily "Makkal Kural" dated 07.05.2019.

4. On the above basis, the learned counsel for the Petitioners

submitted that the succession certificate may be granted. He also added that the sole Respondent in the Petition is admittedly not a Class – I legal heir of the deceased and that the same would be evident on perusal of the counter affidavit dated 30.07.2019 of the said Respondent. In specific, he pointed out that the only ground of opposition by the Respondent is that the deceased Mr.P.N.Devarajan and the Respondent had shares in a company called Tropical Technologies and also deposits with the Bank and that the same had not been included in the schedule to the Petition. In this connection, the learned counsel submits that the said assets were not included in the Petition because the Petitioners were not aware of the same and the Respondent also did not provide the requisite details.

5.Upon considering the submissions of the learned counsel for the Petitioners and on examining the evidence in this case, the following position is evident:

(i) The deceased, Mr.P.N.Devarajan, died on 02.11.2017 within the jurisdiction of this Court.

(ii) As per the legal heirship certificate dated 22.12.2017, the Petitioners are the only Class – I legal heirs of the deceased.

(iii) In the counter affidavit of the Respondent, it is not stated

that the said Respondent is a Class – I legal heir of the deceased.

6. It is also seen that the Petitioners have stated that they have not made an earlier application to the District Court or delegate or to any High Court for probate of any Will of the said deceased or for Letters of Administration, with or without a Will annexed, and that no previous application for issuance of a succession certificate was filed.

7. From the foregoing, it is evident that the Petitioners have made out a case to succeed to the estate of the deceased as per law. Accordingly, this Petition is allowed by directing that the succession certificate should be granted to the Petitioners in respect of the assets specified in the schedule to the Petition, with power to collect the debts and to receive the interest, dividends and negotiate and transfer the securities.

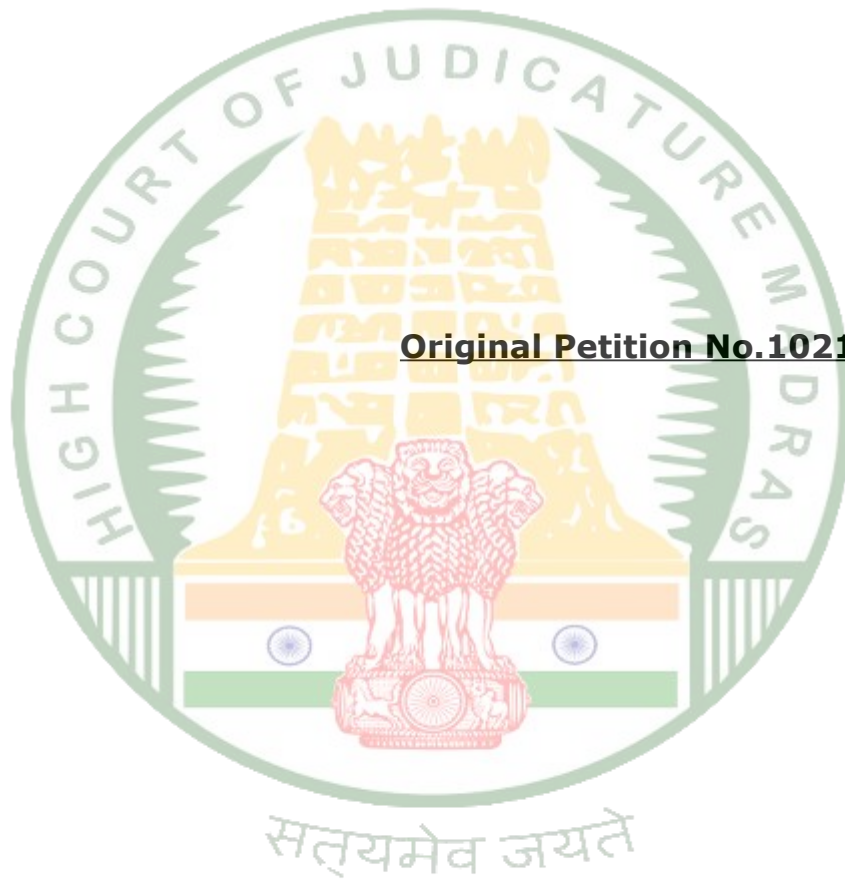
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