

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2019

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

O.P.No.855 of 2018

D.Vanadhachi

...Petitioner

Vs

1.Suseela

2.Rohini

3.Ethiraj

4.Pushpa Raj
Respondents

...

Original Petition filed for issue of Succession Certificate under Section 372 of Indian Succession Act & under Order XXV Rule 6 of the Original Side Rules praying to grant a succession certificate to the petitioner with power to collect the debts and to receive the interest specified in the schedule hereto.

For Petitioner : M/s.D.Nandagopal

ORDER

This petition is filed under Section 372 of the Indian Succession Act, 1925 read with Order XXV Rule 6 of the Original Side Rules for grant of a Succession Certificate to the petitioner in respect of the Family Pension of her deceased husband.

2. I heard the learned counsel for the petitioner.

3. The learned counsel for the petitioner submitted that the petitioner is the wife of the deceased R.Dorairaj, who was ordinarily residing at No.1/14 Thiru.Vi.Ka. Street, Giriplespet, Arakkonam, Vellore District, and expired on 24.04.2012 at Railway Hospital, Ayanavaram, Chennai. He further submitted that his estate consists of the Family Pension amount, which is due from the Southern Railway Administration at Chennai, within the jurisdiction of this Court.

4. The learned counsel further submitted that the second, third and fourth respondents are the daughter and sons of the petitioner and her deceased husband. The first petitioner was his mistress.

5. He also submitted that evidence was adduced before the learned Master and that the petitioner was examined as PW-1. The following documents were exhibited through PW-1:

“Ex.P1 is the original death intimation letter dated 24.04.2012 given to me by the Medical Director, Southern Railway Hospital, Ayinavaram.

Ex.P2 is the computer generated copy of the death certificate of Mr.R.Dorairaj, who died on 24.04.2012.

Ex.P3 is the original intimation letter dated 23.04.2013 addressed to me by the Southern Railway.

Ex.P4 is the original Legal Heirship certificate dated 22.10.2013 in respect of Dorairaj.

Ex.P5 is the photocopy of the calculation of pension benefits.

Ex.P6 is a copy of paper publication effected in one issue of Tamil daily “Thina Boomi” dated 21.08.2019.”

6. Based on the aforesaid submissions, he submitted that the petitioner has established her entitlement to succeed to the estate of the deceased.

7. Upon considering the submissions of the learned counsel and on examining the evidence which has been recorded, the

following is evident:

(i) The late Mr.R.Dorairaj, died on 24.04.2012 as evidenced by the death certificate (Ex.P2).

(ii) The petitioner and respondents 2, 3 and 4 are the only persons whose names are reflected in the Legal Heirship Certificate (Ex.P4).

(iii) The petitioner has also exhibited the letter dated 23.04.2013 from the Southern Railway to the petitioner (Ex.P3).

(iv) In spite of effecting notice on the first respondent and in spite of effecting paper publication (Ex.P6), there is no opposition to the grant of the Succession Certificate. The petitioner has stated in the petition that no application was made to the District Court or Delegate or High Court for grant of probate or for grant of letters of administration with or without a Will annexed. Based on the foregoing, the petitioner has established her entitlement to succeed to the estate of her deceased husband.

WEB COPY

8. Consequently, this petition is allowed by granting a Succession Certificate to the petitioner, in respect of the assets specified in the schedule to the petitioner, with power to collect debts and receive interest thereon.

09.12.2019

Pns

Speaking (or) Non Speaking Order

Index : Yes/ No

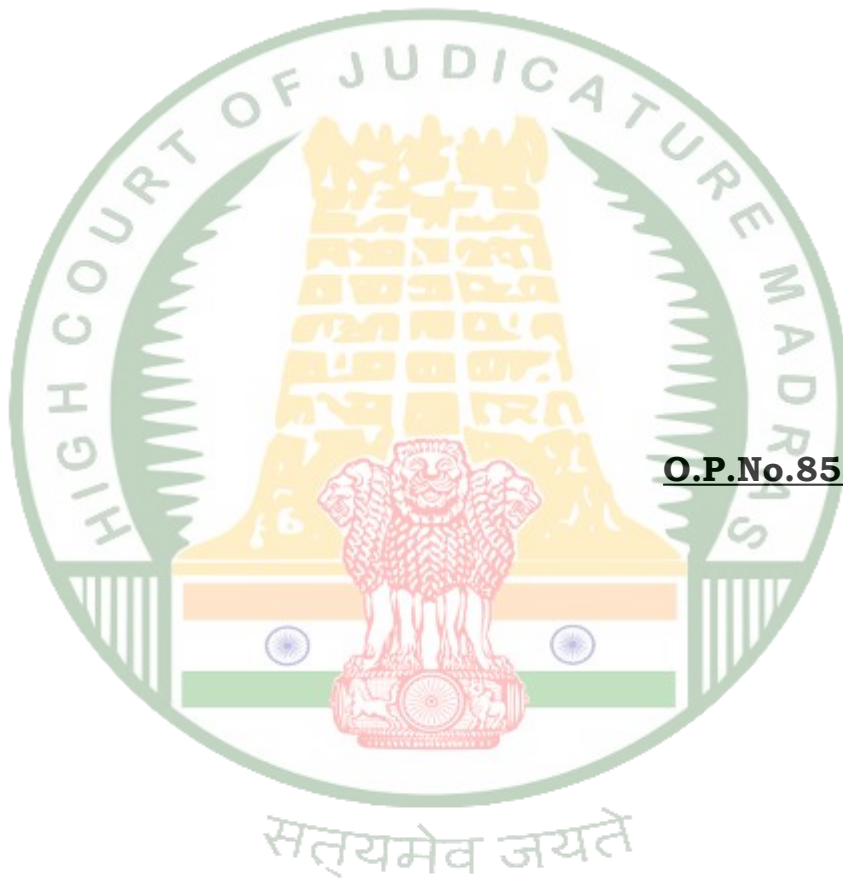
Internet : Yes



WEB COPY

SENTHILKUMAR RAMAMOORTHY, J.

Pns



O.P.No.855 of 2018

WEB COPY

09.12.2019