IN THE HIGH COURT OF JUDICATURE AT MADRAS

(TESTAMENTARY AND INTESTATE JURISDICTION)

TUESDAY, THE 08TH DAY OF DECEMBER 2020

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

O.P.No.141 of 2020

In the matter of
Indian Succession Act
XXXIX of 1925
and
In the matter of Debts of
Dr.P.V.Balanarayanan
(Deceased) Intestate

1. MRS. RAJINI BALANARAYANAN
W/O.LATE P.V.BALANARAYANAN,
HINDU, AGED 66 YEARS,
OLD DOOR NO.88,
NEW NO.149, 1-A,
PALACE VIEW APARTMENTS,
SANTHOME HIGH ROAD,
R.A.PURAM, CHENNAI-600 028

2. Mr.P.B.ANAND
S/O.LATE MR.P.V.BALANARAYANAN,
HINDU, AGED 42 YEARS,
OLD DOOR NO.88, NEW NO.149,
1-A, PALACE VIEW APARTMENTS,
SANTHOME HIGH ROAD,
R.A.PURAM, CHENNAI-600 028

3. Mrs.B.SANGEETHA
D/O.LATE P.V.BALANARAYANA,
HINDU, AGED 37 YEARS,
OLD DOOR NO.88, NEW NO.149,
1-A, PALACE VIEW APARTMENTS,
SANTHOME HIGH ROAD,
R.A.PURAM, CHENNAI-600 028 ..Petitioners

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Original Petition praying that this Hon'ble Court be pleased that a Succession Certificate may be granted to the Second petitioner in his name and with 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 has been filed under Section 372 of the Indian Succession Act read with Order XXV Rule 6 of the Madras High Court Original Side Rules, to grant succession certificate in favour of the petitioner.

2.Heard the learned counsel for the petitioners.

3. It is the case of the petitioner that P.V.Balanarayanan died on 15.08.2019 at No.Old Door No.88, New Door No.149, 1-A, palace view apartments, Santhome High Road, R.A.Puram, Chennai 600 026. He was ordinarily residing at the said address. The deceased died intestate and though due and diligent search has been made for a Will, none has been found. The petitioners are the wife, son and daughter of the deceased. The petitioners are entitled to succeed the estate of the deceased. The succession certificate is required for the purpose of transfer of the fixed

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deposit and the current account in the name of the second petitioner and also to receive the interest and dividends on the securities mentioned in the schedule. The assets in respect of which the succession certificate is required are of the value of Rs.7,84,351/-. No application for a succession certificate has been made to any District Court or delegate or to any High Court. Hence, the petitioners have approached this Court for grant of succession certificate in their names with power to collect the debts and to receive the interest and dividends on and negotiate and transfer the securities specified in the schedule.

4.The second petitioner examined himself as P.W.1 and marked Exs.P1 to P6 viz.,.

Ex.P1 is a copy of fixed deposit receipt dated 28.08.2018 standing in the name of M/s.Jayaraj Dental Clinic, issued by Yes Bank (Witness says that this is a computer generated receipt).

Ex.P2 is the original statement dated 01.12.2019 in respect of the current account maintained by M/s.Jayaraj Dental Clinic.

ExP3 is the computer generated death certificate of Dr.P.V.Balanarayanan, who died on 15.08.2019.

Ex.P4 is the computer generated Legal Heirship certificate dated 22.09.2019 in respect of Dr.P.V.Balanarayanan.

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Ex.P5 is the original letter dated Nil issued by Yes Bank.

Ex.P6 is a copy of paper publication effected in one issue of Tamil daily “Makkal Kural” dated 10.10.2020.

He has further stated in his evidence that he has not filed any other petition before any other Court seeking the same relief.

6.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 P.V.Balanarayanan. Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate to the second petitioner with power to collect the debts and to receive the interest and dividends on and negotiate and transfer the securities specified in the schedule, is issued.

Sd/.N.S.K.J.
08.12.2020

//Certified to be a true copy//

Dated this the day of 2020.

SU/23.12.2020 COURT OFFICER(O.S.)

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

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