

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(TESTAMENTARY AND INTESTATE JURISDICTION)

FRIDAY, THE 18TH DAY OF DECEMBER 2020

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

O.P.No 249 of 2020

In the matter of the Indian
Succession Act XXXIX of 1925

and

In the matter of the Debts of
Intestate Mrs.A.Ghouse Unissa
(deceased)

1. MR.K.SALAHUDEEN
S/o.Kahadar Basha,
Aged about 68 years.
Door No.56,
Mint Modern City, 3rd Main Road,
Old Washermenpet, Chennai-600 021

2.Mr.S.MUHAMMED ASHFAQ
S/o.K.Salahuddeen,
Aged about 34 years,
Door No.56,
Mint Modern City, 3rd Main Road,
Old Washermenpet, Chennai-600 021,

Temporarily Working at:-
Saudi Business Machines,
Juffali Building-Madinah Road,
P.O.Box 5648, Jeddah 21432,
Kingdom of Saudi Arabia

..Petitioners

Original Petition praying that this Hon'ble Court be pleased that a

Succession Certificate may be granted to the 1st petitioner with power to

collect the debts and to receive interest and to open the Locker in the presence of the Branch Manager of the Bank 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 XXXIX OF 1925 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 as well as the learned counsel for the respondent.

3. It is the case of the petitioners that Mrs.A.Ghouse Unissa died on 03.10.2019 at No.56, Mint Modern City, 3rd Main Road, Old Washarmanpet, Chennai 600 021. She was ordinarily residing at the said address. The petitioners herein are the husband and son of the deceased A.Ghouse Unissa. During her life time, the deceased A.Ghouse Unissa kept jewels in safe custody in a locker at Allahabad Bank, Mount Road Branch, No.41 Anna Salai, Chennai 600 002. The net value of the assets is

petitioner, the petitioners require a succession certificate. No application for a succession certificate has been made to any District Court or delegate or to any High Court.

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

Ex.P1 is the computer generated copy of the death certificate of A.Ghouseunissa who died on 03.10.2019.

Ex.P2-is the computer generated copy of the legal heirship certificate dated 20.11.2019 in respect of A.Ghouse Unissa.

Exp3-is the photocopy of the Aadhaar card bearing No.9831 5690 8940 (Marked after comparing and verifying with the original)

Ex.P4-is the photocopy of the Aadhaar card of the 2nd petitioner bearing No.7553 1376 6345 (Marked after comparing and verifying with the original)

Ex.P5-is the original letter dated 05.12.2019 addressed to us by Branch Head of Allahabad Bank, Mount Road Branch.

Ex.P6- is a copy of paper publication effected in one issue of Tamil daily “Malai Malar” dated 28.09.2020.

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

5.Learned counsel appearing for the petitioners submits that the second petitioner has already given consent affidavits and he has no objection in granting succession certificate in favour of the first petitioner.

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 A.Ghouse Unissa. Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate to the petitioners with power to collect the debts and to receive the interest and to open the locker in the presence of the Branch Manager of the Bank specified in the schedule herein, is issued. Issue Succession Certificate in favour of the first petitioner.

WEB COPY

Sd/-N.S.K.J.
18.12.2020

//Certified to be a true copy//

Dated this the day of 2021.

SU.18.01.2021

COURT OFFICER(O.S.)

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