

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2020

CORAM

THE HONOURABLE MR.JUSTICE **SENTHILKUMAR RAMAMOORTHY**

O.P.No.848 of 2019

1. Sudha Paulin

2. Rhea Cathlyn Jose (Minor)
D/o. Judes Anto Kavın Joseph Ponniah
Rep. By mother and natural guardian
Sudha Paulin

3. Stella Elizabet Rani

...Petitioners

Original Petition filed for issue of Succession Certificate under Section 372 of Indian Succession Act, 1925 and under Order XXV Rule 6 of the Original Side Rules praying to grant a succession certificate to the petitioners with power to collect the debts and to receive interest specified in the schedule hereunder.

For Petitioners : Mr.P.K.Srinivasan

ORDER

This petition is filed for the grant of a succession certificate in respect of the assets specified in the schedule to the petition in favour of the petitioners.

2. I heard the learned counsel for the petitioners.

3. The learned counsel for the petitioners submitted that the first petitioner is the wife of the late Judes Anto Kavim Joseph Ponniah. He further submitted that the first petitioner's husband died intestate on 03.10.2018 and is survived by his mother, who is the 3rd petitioner herein and the minor daughter, who is the 2nd petitioner herein apart from the 1st petitioner, namely, the wife.

4. He submitted that the estate of the deceased consists of a NRE Savings Bank Account in the Hongkong and Shanghai Banking Corporation Limited, Chennai, wherein about Rs.35,41,705.90/- is available.

5. In order to establish the entitlement of the petitioners, the learned counsel submitted that evidence was adduced by examining the 1st petitioner as P.W.1. During the course of the examination-in-chief of P.W.1, the following six documents were marked as Ex.P1 to Ex.P6:

<i>Sl.No</i>		<i>Description of documents</i>
1	Ex.P1	The photocopy of the death certificate of the first petitioner's husband, viz., Judes Anto Kavin, who died on 03.10.2018.
2	Ex.P2	The computer generated legal heirship certificate dated 02.11.2018 in respect of the first petitioner's husband.
3	Ex.P3	The photocopy of the death certificate of the first petitioner's father-in-law Joseph Ponniah, who died on 26.08.2013.
4	Ex.P4	The original letter dated 06.12.2018 issued by HSBC, Chennai-86 addressed to the first petitioner in respect of outstanding amount held by her husband Judes Antokavin Joseph Ponniah in savings account No.138 083993 006 for a sum of Rs.35,41,705.90/-
5	Ex.P5	The photocopy of the savings account passbook of the first petitioner bearing account No.0045104000285018 in IDBI, Nelson Manickam Road Branch, Chennai-29.
6	Ex.P6	A copy of paper publication effected in one issue of Tamil daily "Makkal Kural" dated 12.01.2020.

6. On the above basis, the learned counsel submitted that the petitioners are entitled to succeed to the estate of the deceased. As regards the 2nd petitioner, in view of the fact that she is a minor, he submitted that appropriate orders may be passed in respect of the minor's share of the estate.

7. I considered the submissions of the learned counsel for the petitioners and examined the evidence recorded in support of the petition.

8. I find that the death certificate of the 1st petitioner's husband has been marked as Ex.P1 and this document evidences that he died on 03.10.2018. The legal heirship certificate in respect of the first petitioner's husband has been marked as Ex.P2 and this document reflects the names of the three petitioners as the surviving legal heirs. The death certificate of the first petitioner's father-in-law has been marked as Ex.P3 and this document evidences that he died on 26.08.2013. Paper publication was effected in one issue of the Tamil daily "Makkal Kural" on 12.01.2020 and this document has been marked as Ex.P6.

9. Based on the aforesaid evidence, I conclude that the petitioners are entitled to succeed to the estate of the deceased. Accordingly, this Original Petition is allowed and it is directed that a succession certificate be granted to the petitioners in respect of the assets specified in the schedule to the petition with power to collect the said debts and receive interest thereon and transfer the same. As regards the minor's share in the said assets, it shall be deposited in an interest bearing fixed deposit account in a nationalized bank for an initial term of five

years, which shall be renewed thereafter, until the second petitioner attains the age of majority. The first petitioner is entitled to receive interest from the said fixed deposit account on a quarterly basis, but the principal amount shall not be appropriated.

04.03.2020

Speaking order (or) Non Speaking Order

Index : Yes/ No

Internet : Yes/No

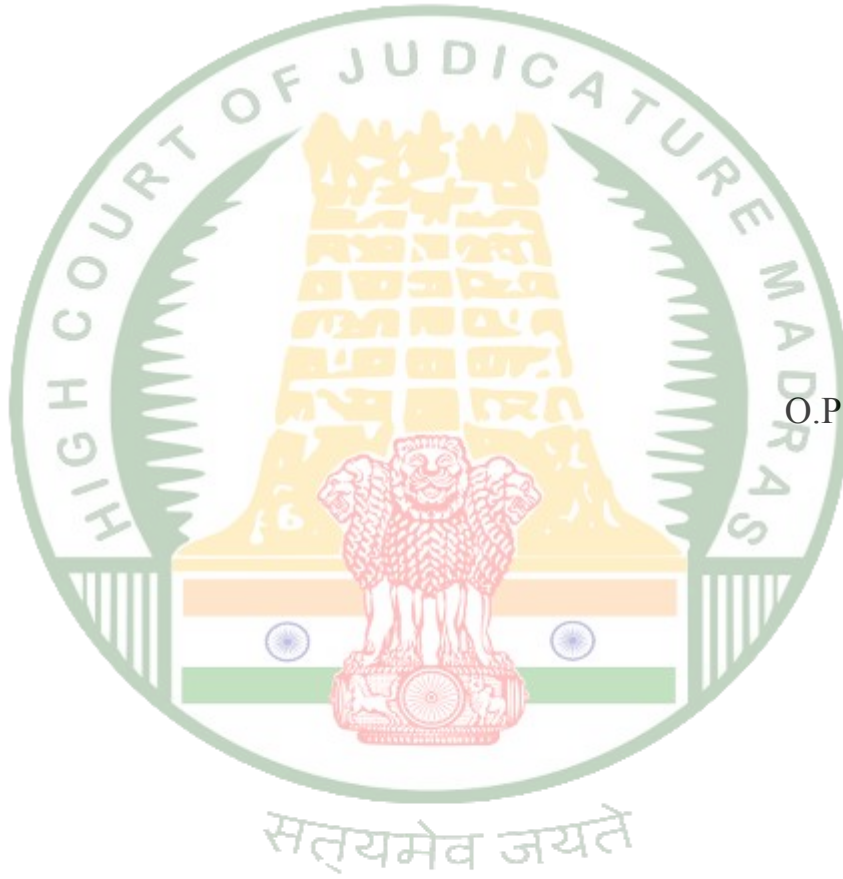
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SENTHILKUMAR RAMAMOORTHY, J.

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