

O.P.No.509 of 2019

SENTHILKUMAR RAMAMOORTHY J.

This Petition is filed under Section 372 of the Indian Succession Act, 1925 r/w Order XXV Rule 6 of the Original Side Rules for grant of a succession certificate in respect of the assets mentioned in the schedule to the petition.

2. I heard the learned counsel for the Petitioner. The learned counsel submitted as follows. The Petitioners are the siblings of the late T.Gunasekaran, who died as a bachelor on 17.11.2017. The late T.Gunasekaran ordinarily resided at No.12/28, Thasudhi Khan Street, Triplicane, Chennai – 600 005, which is within the jurisdiction of this Court. The mother and father of the late T.Gunasekaran pre-deceased him. Consequently, he contended that the Petitioners are the only surviving legal heirs with an entitlement to the estate of the deceased. In order to prove the case, he submitted that evidence was adduced by examining the second Petitioner as P.W.1. During the course of the examination-in-chief of P.W.1, he pointed out that the following 11 documents were exhibited as Exs.P1 to P11:

(1) Ex.P1 is the computer generated copy of the death certificate of T.Gunasekaran, who died on 17.11.2017.

(2) Ex.P2 is the Photocopy of the death certificate of his father, Thangavelu, who died on 10.07.2015.

(3) Ex.P3 is the Photocopy of the death certificate of his mother, K.Rukmani, who died on 04.02.2017.

(4) Ex.P4 is the photocopy of the Legal Heirship Certificate dated 07.06.2017 in respect of his mother Rukmani.

(5) Ex.P5 is the photocopy of the letter dated 05.12.2018 addressed to him in respect of terminal benefits of his brother T.Gunasekaran and issued by Naval Hospital Road, Periamet, Chennai – 600 003.

(6) Ex.P6 is the photocopy of the Aadhaar card of his brother T.Gunasekaran.

(7) Ex.P7 is the photo copy of the Aadhaar card of his sister Kalavathi, the first petitioner herein.

(8) Ex.P8 is the photocopy of the Aadhaar card of P.W.1.

(9) Ex.P9 is the photocopy of the Aadhaar card of the 3rd Petitioner Hemalatha.

(10) Ex.P10 is the photocopy of the Aadhaar card of the 4th Petitioner T.Nirmala Devi.

(11) Ex.P11 is a copy of paper publication effected in one issue of the Tamil daily "Makkal Kural" dated 21.08.2019.

On the above basis, he submitted that the Petitioners are entitled to succeed to the estate of their brother, the late T.Gunasekaran.

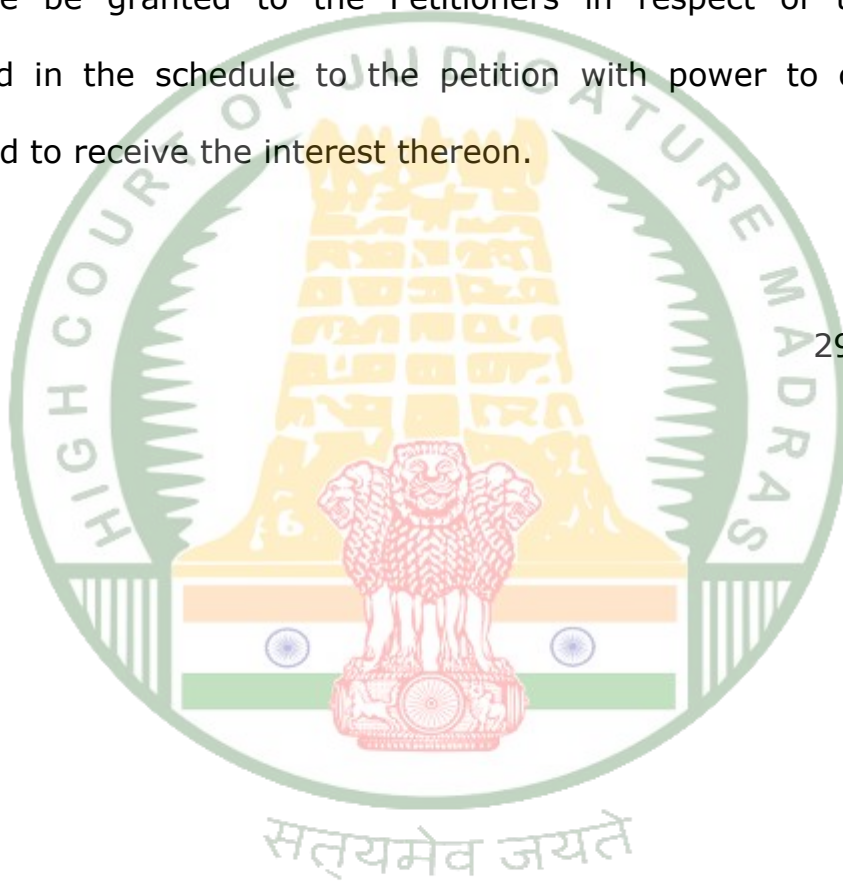
3. I considered the submissions of the learned counsel for the Petitioner and examined the evidence recorded in this case. Upon such consideration, I find that the Petitioners' brother died on 17.11.2017 as evidenced by the death certificate, namely, Ex.P1. The death certificate of the Petitioners' parents who died on 10.07.2015 and 04.02.2017, respectively, are marked as Ex.P2 and Ex.P3. The legal heirship certificate dated 07.06.2017 of the Petitioners' mother Rukmani shows the names of the Petitioners and the deceased as the class 1 legal heirs of the Petitioners' mother. Paper publication was also effected, which is marked as Ex.P11. It is also stated in the Petition that no earlier Petition was filed before the District Court or any delegate or to any High Court for the probate of any Will of the said deceased or for letters of administration with or without the Will annexed in respect of his properties and credits. It is further stated that no earlier application was filed for a succession certificate in

respect of the estate of the deceased.

4. For the foregoing reasons, I find that the Petitioners have made out a case to succeed to the estate of the deceased. Accordingly, this Petition is allowed by directing that a succession certificate be granted to the Petitioners in respect of the assets described in the schedule to the petition with power to collect the debts and to receive the interest thereon.

29.01.2020

rrg



WEB COPY

SENTHILKUMAR RAMAMOORTHY.J.

rrg



O.P.No.509 of 2019

WEB COPY



WEB COPY