

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.07.2020

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

O.P.No.21 of 2018

B.Umapathy

Petitioner

Vs.

1.S.Gunasekhari

2.S.B.Suryakumar

3.B.Yuvarajan

... Respondents

Prayer: Original Petition filed under Section 372 of Indian Succession Act Read with Order XXV Rule 6 of Original Side Rules praying that a Succession Certificate may be granted to the petitioner with power to collect the one-fourth of the debts with accrued interest specified in the schedule hereunder.

For petitioners

:

Mr.P.Haribabu

for Mr.R.Tholgappian

ORDER

This petition is filed for grant of a Succession Certificate to the petitioner to collect his $\frac{1}{4}^{\text{th}}$ share of the debts with accrued interest.

2. The petitioner would submit that the schedule mentioned security belonged to his mother one Sivagami @ Sivagami Ammal. She was residing within the jurisdiction of this Court and has passed away on 22.08.2013. The said Sivagami Ammal did not execute any Will and despite their diligence search the petitioner and the respondents have not come across any Will. At the time of her death, the said Sivagami Ammal was survived on by the petitioner and the respondents since her husband and parents had predeceased her. Therefore, it is only the petitioner and the respondents who are entitled to equal shares in the schedule security. Since the respondents have not come forward to seek a Succession Certificate earlier the petitioner has filed the present Original Petition for the grant of Succession Certificate in respect of his $\frac{1}{4}^{\text{th}}$ share.

3. The petitioner has examined himself as P.W.1, filed his proof affidavit and has marked Ex.P.1 to Ex.P.4 being the death certificate of the said Sivagami Ammal, the legal heirship certificate of Sivagami Ammal, statement of account dated 21.09.2017 and the paper publication in Tamil Daily "Thinaboomi". The respondents who have been served have not entered appearance either through counsel or in person and have not put forward their defence.

4. Considering the evidence adduced by the petitioner both oral and documentary, it is clear that the only surviving legal heirs are the petitioner and the respondents and the petitioner is only seeking grant of a Succession Certificate in respect of his $\frac{1}{4}$ th share. The said Original Petition is ordered as prayed for. No costs.

09.07.2020

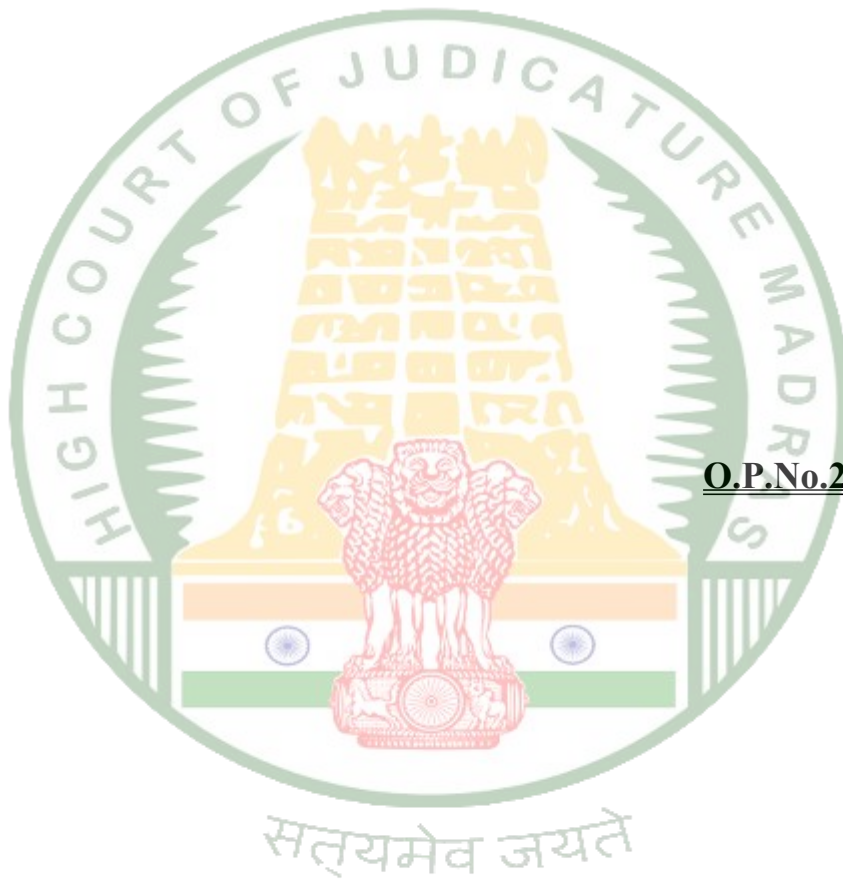
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