

O.P.No.593 of 2016

SENTHILKUMAR RAMAMOORTHY,J

This petition has been filed under Section 372 of the Indian Succession Ac 1925 and Order XXV Rule 6 of O.S.Rules to grant succession certificate in favour of the petitioners in respect of the assets listed in 'A' and 'B' schedule in the petition.

2. I heard the learned counsel for the petitioners.

3. The learned counsel for the petitioners submits that the first petitioner is the wife of Mr.A.Radhakrishnan, in respect of whose estate, the Succession Certificate is requested. He further submitted that petitioners 2 and 3 are his daughters and the fourth petitioner is the mother and the sole respondent is the son of the deceased. He also submitted that Mr.A.Radhakrishnan ordinarily resided at No.10, Old No.18, Raja Street, T.Nagar, Chennai-17, which is within the jurisdiction of this Court. He further submitted that evidence was recorded in the matter and the following documents were exhibited as Exs.P1 to P31 by examining the first petitioner as PW1:-

(1) Ex.P1 is the photocopy of the death certificate of A.Radhakrishnan, who died on 02.08.2006.

- (2) Ex.P2 is the photocopy of the Legal Heirship Certificate dated 11.10.2006 in respect of A.Radhakrishnan.
- (3) Ex.P3 is the photocopy of the deposit receipt dated 26.10.2006, standing in the name of A.Radhakrishnan, issued by Andhra Bank.
- (4) Ex.P4 is the photocopy of the deposit receipt dated 03.04.2006, standing in the name of A.Radhakrishnan, issued by the Tamil Nadu State Apex Co-operative Bank Limited.
- (5) Ex.P5 is the photocopy of the deposit receipt dated 24.04.2006 standing in the name of A.Radhakrishnan, issued by the Tamil Nadu State Apex Co-operative Bank Limited.
- (6) Ex.P6 is the photocopy of the deposit receipt dated 18.05.2006 standing in the name of A.Radhakrishnan issued by the Tamil Nadu State Apex Co-operative Bank Limited.
- (7) Ex.P7 is the photocopy of the deposit receipt dated 29.05.2005 standing in the name of A.Radhakrishnan issued by Karur Vysya Bank.
- (8) Ex.P8 is the photocopy of the deposit receipt dated 02.04.2005 standing in the name of A.Radhakrishnan issued by Karur Vysya Bank.
- (9) Ex.P9 is the photocopy of the deposit receipt dated 12.08.2005 standing in the name of A.Radhakrishnan issued by Karur Vysya Bank.
- (10) Ex.P10 is the photocopy of the deposit receipt dated 15.09.2005 standing in the name of A.Radhakrishnan issued by Karur Vysya Bank.
- (11) Ex.P11 is the photocopy of the deposit receipt dated 14.10.2005 standing in the name of A.Radhakrishnan issued

by Karur Vysya Bank.

(12) Ex.P12 is the photocopy of the deposit receipt dated 18.10.2005 standing in the name of A.Radhakrishnan issued by Karur Vysya Bank.

(13) Ex.P13 is the photocopy of the deposit confirmation/renewal advice, deposit start date: 31.10.2005 standing in the name of A.Radhakrishnan issued by HDFC Bank.

(14) Ex.P14 is the photocopy of the deposit confirmation/renewal advice, deposit start date: 01.11.2006 standing in the name of A.Radhakrishnan issued by HDFC Bank.

(15) Ex.P15 is the photocopy of the deposit confirmation/renewal advice, deposit start date: 04.11.2009 standing in the name of A.Radhakrishnan issued by HDFC Bank.

(16) Ex.P16 is the photocopy of the deposit confirmation/renewal advice, deposit start date: 07.11.2012 standing in the name of A.Radhakrishnan issued by HDFC Bank.

(17) Ex.P17 is the photocopy of the deposit confirmation/renewal advice, deposit start date: 31.10.2005 standing in the name of A.Radhakrishnan issued by HDFC Bank.

(18) Ex.P18 is the photocopy of the deposit confirmation/renewal advice, deposit start date: 01.11.2006 standing in the name of A.Radhakrishnan issued by HDFC Bank.

(19) Ex.P19 is the photocopy of the deposit

confirmation/renewal advice, deposit start date:
04.11.2009 standing in the name of A.Radhakrishnan issued
by HDFC Bank.

(20)Ex.P20 is the photocopy of the deposit
confirmation/renewal advice, deposit start date:
07.11.2012 standing in the name of A.Radhakrishnan issued
by HDFC Bank.

(21)Ex.P21 is the photocopy of the deposit
confirmation/renewal advice, deposit start date:
31.10.2005 standing in the name of A.Radhakrishnan issued
by HDFC Bank.

(22)Ex.P22 is the photocopy of the deposit
confirmation/renewal advice, deposit start date:
01.11.2006 standing in the name of A.Radhakrishnan issued
by HDFC Bank.

(23)Ex.P23 is the photocopy of the deposit
confirmation/renewal advice, deposit start date:
04.11.2009 standing in the name of A.Radhakrishnan issued
by HDFC Bank.

(24)Ex.P24 is the photocopy of the deposit
confirmation/renewal advice, deposit start date:
07.11.2012 standing in the name of A.Radhakrishnan issued
by HDFC Bank.

(25)Ex.P25 is statement of accounts as on 30.06.2014 in
respect of the account held by A.Radhakrishnan with HDFC
Bank.

(26)Ex.P26 is the photocopy of the share certificate bearing
certificate No.223803 issued by Syndicate Bank standing in
the name of A.Radhakrishnan.

- (27)Ex.P27 is the photocopy of the share certificate bearing certificate No.223804 issued by Syndicate Bank, standing in the name of A.Radhakrishnan.
- (28)Ex.P28 is the photocopy of the share certificate bearing No.223805 issued by Syndicate Bank standing in the name of A.Radhakrishnan.
- (29)Ex.P29 is the photocopy of the statement of accounts for the account No.231008495 maintained by A.Radhakrishnan with TNSC Bank.
- (30)Ex.P30 is the photocopy of the General Power of Attorney dated 27.09.2006 executed by 3rd petitioner S.Malarkodi in favour of R.Vijayalakshmi, the 1st petitioner.
- (31)Ex.P31 is a copy of paper publication effected in one issue of Tamil daily "Maalai Malar" dated 25.10.2016.

As regards the sole respondent, he submitted that in spite of service of notice, neither the respondent nor his counsel entered appearance. In addition, he pointed out that the respondent would not be prejudiced because his 1/5th share is not being disturbed.

4. I considered the submissions and examined the evidence recorded.

5. On perusal of the records in the case, I find that the petitioners have adduced evidence by marking the Death Certificate of Mr.A.Radhakrishnan as Ex.P1. The legal heirship Certificate dated 11.10.2006 (Ex.P2) reflects the names of the petitioners 1 to 4 and the sole respondent as the Class I legal

heirs of the deceased, A.Radhakrishnan. The documents relating to the Fixed Deposits have been also been marked as Exs.P3 to P25 and the share certificates have been marked as Exs.P26 to P28. Paper publication was effected and marked as Ex.P36.

4. It is stated in the petition that no application was filed earlier to any District Court or delegate or to any High Court for Probate of any Will of the deceased or for Letters of Administration with or without a Will annexed and that no earlier petition was filed for a Succession Certificate

5. Based on the aforesaid, the petitioners have made out a case to succeed to the estate of the deceased to the extent prayed for. Accordingly, this original petition is allowed and it is directed that a Succession Certificate be granted to the petitioners in respect of the assets mentioned in the schedule to the petition with power to collect 1/5th share each and altogether 4/5 shares in the said assets along with interest and dividends thereon.

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