

IN THE HIGH COURT OF JUDICATURE AT MADRAS**Dated : 08.07.2020****CORAM****THE HONOURABLE Ms. JUSTICE P.T. ASHA****OP.No. 913 of 2019**

1.S.Vaijayanthi
2.S.Venkataramanan ... petitioners

Prayer :- Petition filed under Section 372 of the Indian Succession Act, r/w Order XXV Rule 6 of O.S. Rules, to grant succession certificate to the 1st petitioner.

For Petitioner : P.B. Balaji

ORDER

The above petition is filed seeking grant of Succession certificate to the first petitioner to collect the debts and to receive the interests thereon which have been detailed in the Schedule to the Petition.

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2. The security detailed in the schedule to the petition is the Post Office Savings Bank Account standing in the name of R.Devasenal. The petitioner is the daughter and the second

petitioner is the son of Devasenal. Devasenal who was residing within the jurisdiction of this Court died on 07.08.2017 leaving behind her surviving the petitioners as her legal heirs. Her husband has pre-deceased her. The petitioners would submit that despite due and diligent search they had not found any will that their mother had executed. The petitioners are therefore entitled to a half share in the schedule mentioned security.

3.The petitioners have therefore filed the present petition for grant of succession certificate in their favour in respect of the securities.

4. The second petitioner has examined himself as PW1 and marked Ex.P1 the death certificate of his mother, R. Devasenal, her Legal Heirship Certificate as Ex.P2, his consent affidavit stating that he has no objection to the succession certificate being granted in favour of his sister, the first petitioner has been marked as EX.P3 and the paper publication in one issue in Tamil "Malaisudar" on 18.01.2020 has been marked as Ex.P4.

5. Considering the evidence that has been adduced and taking into account the averments made in the petitioner, it is evident that the petitioners are the only legal representatives of the deceased Devasenal, entitled to a half share each in the securities.

6. The second petitioner has also given his consent which has been marked as Ex.P3 for granting succession certificate in favour of the first petitioner.

7. On a conspectus of the above, the petition is allowed as prayed for.

Internet : Yes/No
Index : Yes/No
Speaking / Non-Speaking
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P.T. ASHA. J,

mrn

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