

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.07.2020

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

O.P.No.867 of 2019

1. D.Anita Maryain Sobha

2. D.Sagayaraj

... Petitioners

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 petitioners with power to collect the debts and to receive the interest specified in the Schedule.

For petitioners : Mr.T.Gowthaman

ORDER

The above petition is filed for issue of Succession Certificate to the petitioners granting them power to collect the debts and to receive the interest specified in the schedule to the petition.

2. The petitioners would submit that the schedule mentioned property belonged to one T.Cyril who died intestate on 04.09.2016. The petitioners are the children of the deceased Cyril's sister T.Rosemary. The deceased was a bachelor and the petitioners are his only next to kin. The 1st petitioner is the daughter of the said Rosemary and the 2nd petitioner is her son. The 2nd petitioner has adduced evidence as P.W.1 and has marked Ex.P.1 to Ex.P.3. Ex.P.1 is the death certificate of T.Cyril. Ex.P.2 is the series of Fixed Deposit receipts which constitutes schedule to the petition. The Fixed Deposit receipts would indicate that the amounts have been deposited in the name of the deceased Cyril as well as the petitioners' mother T.Rosemary. Ex.P.3 is the paper publication that has been effected in one issue of Makkal Kural dated 28.12.2019.

3. The evidence would further show that the xerox copies of the Fixed Deposit receipts have been marked after comparing and verifying the same with the originals and the original has been produced from the custody of the petitioners. The petition would further indicate that the said Rosemary, the mother of the petitioners is also no more.

4. Considering the above facts, particularly taking into account the fact that the Fixed Deposit had been jointly deposited in the name of the deceased and the said Rosemary and the originals have been produced by the petitioners the above petition is allowed and the Succession Certificate is granted to the petitioners. No costs.

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Internet : Yes/No
Index : Yes/No
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