

O.P.No.158 of 2019

V.PARTHIBAN,J.

This Petition has been filed under Section 372 of the Indian Succession Act read with Order XXV Rule 6 of the Madras High Court Original Side Rules, to grant succession certificate in favour of the petitioner.

2. The petitioner and respondents are the brothers and sisters of one T.Ramamurthy. The said T.Ramamurthy ordinarily resided at New Door No.7, Flat No.6, B.B.Road, Vyasarbadi, Chennai 600 039 and died on 06.10.2018. The deceased was a bachelor and he left with no issues. The parents of the deceased predeceased him. The petitioner and the respondents are the class-II legal heirs of the deceased. Therefore, they are entitled to the assets of the deceased as mentioned in the schedule.

3. The deceased died intestate and though due and diligent search has been made for a Will, none has been found. According to the petitioner, the entire benefits which the legal heirs are entitled to, shall be

given in favour of the petitioner. The succession certificate is required for the purpose of claiming the fixed deposits from M/s Purasawalkam Santhatha Sanga Nidhi Limited, Purasawalkam, Chennai. The said assets in respect of which the succession certificate is required, are of the value of Rs.4,03,672/-. No application for a succession certificate in respect of any debt or security belonging to the estate of the said deceased and no application for probate of any will of the said deceased or for letters of administration with or without the will annexed to his properties and credits, have been made to any District Court or delegate or to any High Court. Hence, the petitioner has approached this Court for grant of succession certificate to the petitioner with power to collect the debts and to receive the interest and dividends on and negotiate and transfer the securities specified in the schedule.

4.The petitioner examined himself as P.W.1 and marked Exs.P1 to P15. Ex.P1 is the photocopy of the first petitioner's Aadhaar card bearing No.8714 5765 0124. Ex.P2 is the photocopy of the Fixed Deposit receipt bearing account No.FD1216112 dated 18.06.2018 standing in the name of

T.Ramamurthy. Ex.P2 is the photocopy of the Fixed Deposit receipt bearing Account No.FD1216098 dated 30.05.2018 standing in the name of T.Ramamurthy. Ex.P3 is the photocopy of the Fixed Deposit receipt bearing Account No.FD1216050 dated 23.04.2018 standing in the name of T.Ramamurthy. Ex.P4 is the photocopy of the Fixed Deposit receipt bearing account No.FD1216002 dated 26.03.2018 standing in the name of T.Ramamurthy. Ex.P5 is the photocopy of the bank passbook in respect of the account No.10273435888, maintained by T.Ramamurthy with State Bank of India, Park Town Branch. Ex.P6 is the photocopy of the death certificate of Thulasi Raj, father of the deceased T.Ramamurthy, who died on 06.12.1977. Ex.P7 is the computer generated death certificate of T.Lokanayaki Ammal, mother of the deceased T.Ramamurthy, who died on 03.10.2012. Ex.P8 is the computer generated death certificate of T.Ramamurthy, who died on 06.10.2018. Ex.P9 is the photocopy of the judgment dated 13.09.2013 rendered in O.S.No.64 of 2013 by the City Civil Court, Chennai. Ex.P10 is the photocopy of the petitioner's PAN card bearing No.ALFTP8905P. Ex.P11 is the photocopy of the petitioner's Aadhaar card bearing No.7943 7416 0697. Ex.P12 is a copy of paper

publication effected in one issue of Tamil daily “Makkal Kural” dated 13.07.2019. Ex.P13 is the consent affidavit given by the 1st respondent. Ex.P14 is the consent affidavit given by the second respondent. Ex.P15 is the consent affidavit given by the third respondent.

5.Considering the averments made in the petition and the documents filed by the petitioner, this Court is of the view that the petitioner has succeeded to the Estate of the deceased T.Ramamurthy. Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate to the petitioner with power to collect the debts and to receive the interest and dividends on and negotiate and transfer the securities specified in the schedule, is issued. The petitioner is directed to render accounts once in a year.

09.09.2021

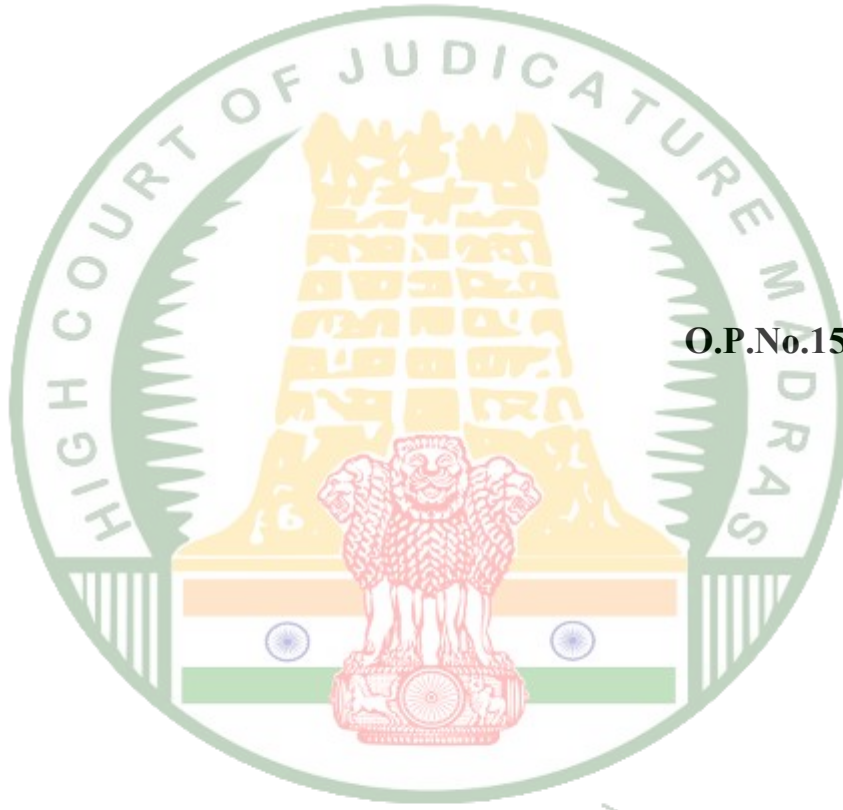
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