

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(TESTAMENTARY AND INTESTATE JURISDICTION)

WEDNESDAY, THE 10TH DAY OF FEBRUARY 2021

THE HON'BLE MR. JUSTICE R.PONGIAPPAN

O.P.No.262 of 2020

In the matter of Indian Succession
Act XXXIX of 1925

and

In the matter of certain Debts in
respect of M.S.Chandra Bai
Jayakaran (Died Intestate)

GRACE KEZIA MALINI
W/O.N.JOSEPH JAYAKUMAR,
NO.42-A, SUNGEETHAM APARTMENTS,
1ST CROSS STREET,
VELAVAN NAGAR,
KOLATHUR,
CHENNAI-600 099

..Petitioner

-Vs-

DINAKARAN
S/O.LATE B.JAYAKARAN,
NO.35, 1ST CROSS STREET,
VELAVAN NAGAR,
KOLATHUR,
CHENNAI-600 099

..Respondent

Original Petition praying that this Hon'ble Court be pleased to
grant a Succession Certificate to the petitioner with power to collect the
debts and to receive the interests thereon, if any and specified in the
schedule in the petition.

This Original Petition coming on this day before this court for hearing, the court made the following order:

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. Heard the learned counsel for the petitioner.

3. It is the case of the petitioner that she and the Respondent are the daughter and son of Mrs.M.S.Chandra Bai Jayakaran, who died on 04.07.2009 leaving behind the Petitioner and the Respondent. The deceased Mrs.M.S.Chandra Bai Jayakaran ordinarily resided at Kolathur, Chennai. The husband of the deceased viz., Mr.B.Jayakaran predeceased her on 24.03.2007. The parents of the deceased Mrs.M.S.Chandra Bai Jayakaran also predeceased her. The deceased was having two accounts in the Kolathur Post Office, as per the details specified in the schedule, which is within the jurisdiction of this Court. The deceased died intestate and that due and diligent search has been made for a Will but none has been found.

4. Since the Petitioner and Respondent are the legal representatives and Class I heirs of the deceased Mrs.M.S.Chandra Bai Jayakaran, they are entitled to equal shares in the amount lying in the Monthly Income Scheme account of the deceased Mrs.M.S.Chandra Bai Jayakaran. As the deceased died intestate Succession Certificate is required for the purpose of claiming the amount lying in the above Account along with interest.

5. No application for a succession certificate has been made to any District Court or delegate or to any High Court for probate of any Will of the said deceased for Letters of Administration with or without the Will annexed to his properties and credits. Hence, the Petitioner prays for Succession Certificate with power to collect the debts and to receive the interest specified in the schedule.

6. In this regard, the Petitioner was examined as P.W.1 and Exs.P1 to Ex.P.8 were marked through him.

7. P.W.1 in his evidence has stated that he and the respondent are the daughter and son of the deceased Mrs.M.S.Chandra Bai Jayakaran, who died on 04.07.2009. Ex.P.4 is the death certificate of Mrs.M.S.Chandra

Bai Jayakaran. Ex.P.3 is death certificate of his father Mr.B. Jayakaran, who died on 24.03.2007. Ex.P.5 is the Legal Heirship Certificate dated 15.07.2009 in respect of the deceased Mrs.M.S.Chandra Bai Jayakaran. Ex.P.7 is the consent affidavit given by the Respondent who has no objection to issue succession certificate in favour of the Petitioner. Exs.P.8 is Paper publication effected on 28.10.2020 and none has objected for it.

8. Considering the averments made in the petition and the documents filed by the petitioner, I am satisfied that the petitioner has succeeded the Estate of the deceased Mrs.M.S.Chandra Bai Jayakaran. 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 thereon, as specified in the Schedule, is issued.

Sd/.R.P.A.J.

10.02.2021

//Certified to be a true copy//

Dated this the th day of 2021.

SU/03.03.2021

COURT OFFICER(O.S.)

From 25.09.2008 th e Registry is issuing certified copies of the Order/Judgment Decree in this format.