

O.P.No.260 of 2020

R. PONGIAPPAN, 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 petitioners.

2. Heard the learned counsel for the petitioner.

3. It is the case of the petitioners that the Petitioners 1 to 6 and 8 are the sons of the deceased Smt. Shantha Bai and Petitioner 7 is the daughter. The said Smt. Shantha Bai died on 22.11.2015. Her husband Mr. Anandaraj predeceased her. The deceased ordinarily resided and left the properties specified in the Schedule is within the jurisdiction of this Court.

4. The deceased died intestate and that though due and diligent search has been made for a Will, none has been found. The deceased left the properties within the jurisdiction of this Court. The Petitioners are the only

surviving legal heirs of the deceased and they are Class I heirs of the deceased Smt. Shantha Bai and are entitled to equal shares in the estate of the deceased. 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.

5. The 3rd Petitioner was examined as P.W.1 and Exs.P1 to Ex.P.4 were marked through him.

6. P.W.1 in his evidence has stated that the Petitioners 1,2, 4 to 6 and 8 are his brothers and Petitioner No.7 is his sister. Ex.P.1 is the death certificate of their mother Smt. Shantha Bai, who died on 22.11.2015. Ex.P.2 Legal Heirship Certificate of Smt. Shantha Bai dated 29.09.2016 shows that the petitioners are the legal heirs of the said Smt. Shantha Bai. Paper publication has also been effected on 18.09.2020 and none has objected for it. Copy of paper publication is marked as Ex.P.4. Petitioners 1,2 and 4 to 8 have filed Joint Consent Affidavit, giving free consent to the

3rd Petitioner to appear on behalf of them to conduct the entire case and obtain a Succession Certificate on their behalf.

7. Considering the averments made in the petition and the documents filed by the petitioner, I am satisfied that the petitioners have succeeded the Estate of the deceased Smt. Shantha Bai. Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate to the 3rd Petitioner with power to collect the securities and to receive the interest and dividends on and negotiate and transfer the securities specified in the Schedule, is issued.

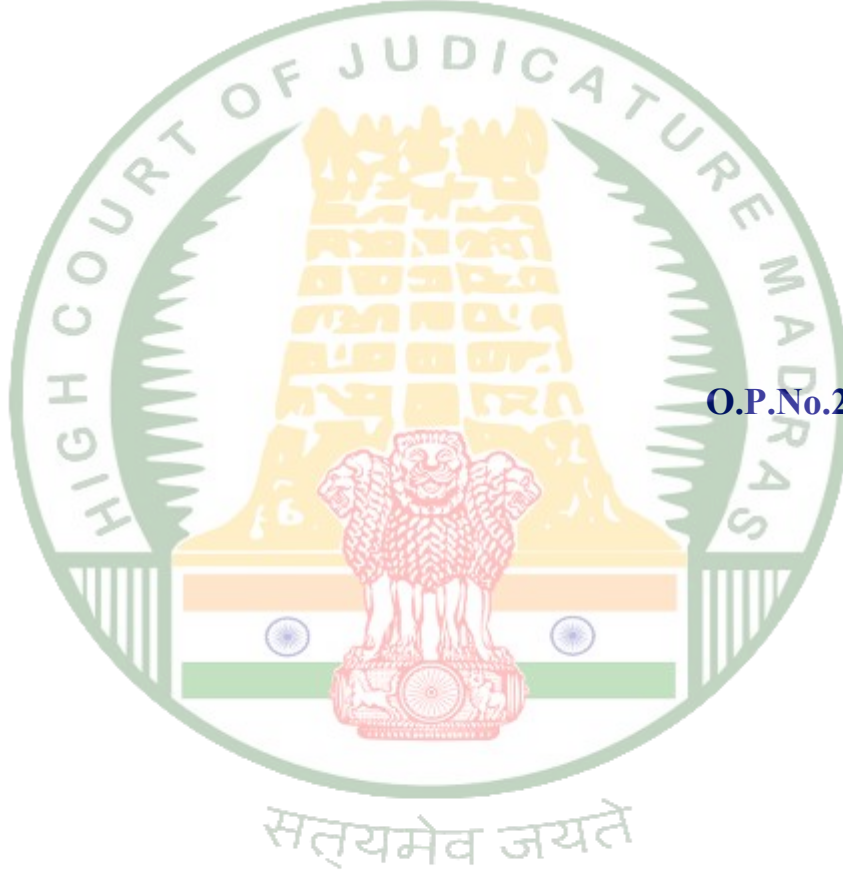
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