

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

THURSDAY, THE 21ST DAY OF JANUARY 2021

THE HON'BLE MR. JUSTICE R.PONGIAPPAN

O.P.No.328 of 2020

In the matter of the Indian Succession
Act XXXIX of 1925

and

In the matter of debt of B.A.Kalyanam
and K.Jayalakshmi (intestate-
deceased)

MR.K.V.EASWARAN

Residing at: 12/3,
Flat K.Srirams,
Gangothri, South Avenue,
Kamaraj Nagar, Thiruvannamiyur,
Chennai-600 041

..Petitioner

Original Petition praying that this Hon'ble Court be pleased that the
Succession Certificate may be granted to him, with power to collect the
Debts and to receive the interests thereon, 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

Original Side Rules, to grant succession certificate in favour of the petitioner Mr. Eswaran K.V.

2. Heard the learned counsel for the petitioner.

3. It is the case of the petitioner that the Petitioner is the son of Mr. B.A. Kalyanam and Mrs.K. Jayalakshmi. The above said Mr. B.A. Kalyanam and Mrs.K. Jayalakshmi died intestate on 06.06.2018 and 03.11.2017 respectively. The deceased were ordinarily resided at Thirunindravur and left property specified in the Schedule, within the jurisdiction of this Court. The Petitioner is the only legal heir of his parents. Both the deceased died intestate and that due and diligent search has been made for a Will, but none has been found.

4. The deceased left the property within the jurisdiction of this Court and the Petitioner is the only legal heir of the deceased, he is entitled to the estate of the said deceased Mr. B.A. Kalyanam and Mrs.K. Jayalakshmi. The Petitioner is required the Succession Certificate for the purpose of realising the monies available in the Post Office Savings Account standing in the name of the deceased Mr. B.A. Kalyanam and Mrs.K. Jayalakshmi, morefully mentioned in the Schedule. The said assets in respect of which

the Succession Certificate is required are for the value of Rs.7,60,696.85. 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 prays for Succession Certificate with power to collect the Debts and to receive the interest thereon, specified in the Schedule.

5. The Petitioner was examined as P.W.1 and Exs.P1 to Ex.P.9 were marked through him.

6. P.W.1 in his evidence has stated that he is the only child of his parents Mr. B.A. Kalyanam and Mrs.K. Jayalakshmi. who died intestate on 06.06.2018 and 03.11.2017 respectively. Exs.P.1 and P.2 are the Death Certificates of his parents. Exs.P.3 and P.4 are the computer generated Legal Heirship Certificate of his deceased father and mother. Exs.P.5 to P.8 are post office pass books in respect of his parents. Ex.P.9 is the Paper publication effected on 24.10.2020 and none has objected for it.

7. 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 parents Mr. B.A. Kalyanam and Mrs.K. Jayalakshmi.
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 interests thereon, specified in the Schedule, is issued.

Sd/-R.P.A.J.

21.01.2021

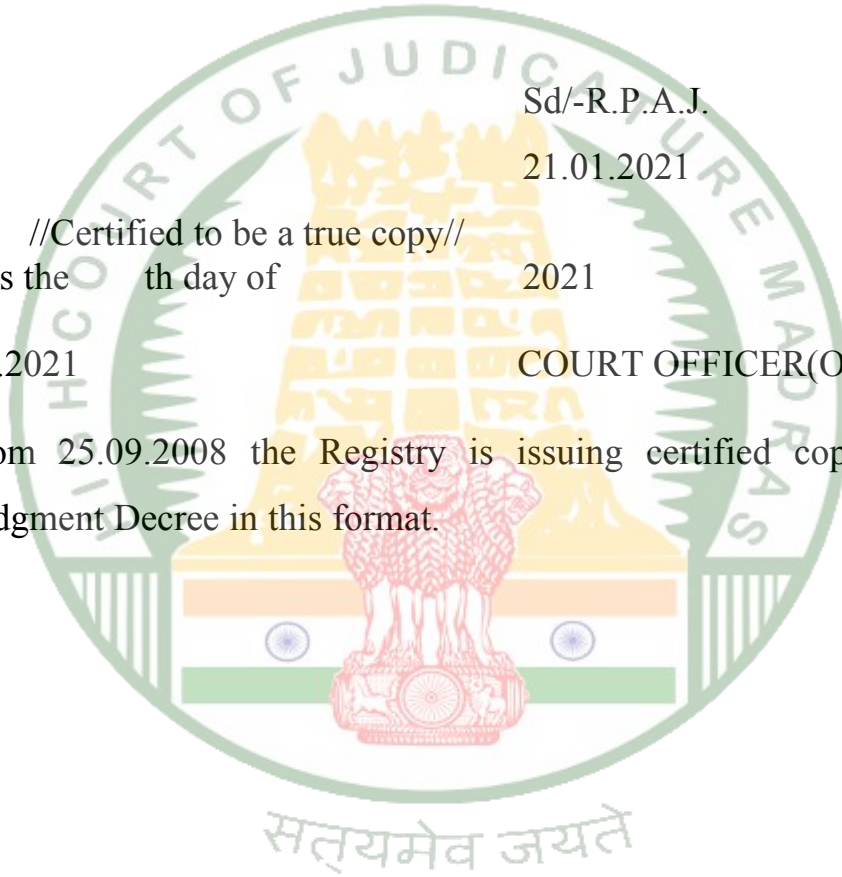
//Certified to be a true copy//

Dated this the th day of 2021

Su/04.02.2021

COURT OFFICER(O.S.)

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



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