

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

THURSDAY, THE 18TH DAY OF FEBRUARY 2021

THE HON'BLE MR. JUSTICE R.PONGIAPPAN

O.P.No.425 of 2020

In the matter of Indian Succession
Act, 1925

and

In the matter of Debts of the
K.Damodharan Deceased
Intestate

1. Smt.D.VIMALA
W/o late K.Damodharan

2. D.MUTHUKUMAR
S/o late K.Damodharan

3. D.MUTHURAJA
S/o late K.Damodharan,

All are residing at No.14, Church Street,
Naravarikuppam, Redhills,
Chennai-600052.Thiruvallur District.

4. K.LAKSHMI
W/o K.Kishore Kumar,
No.14-3-307/101,
Green Park Apartments,
D.R.Mahal Road, Tirupati,
Chittoor, Andra Pradesh-517501

Original Petition praying that this Hon'ble Court be pleased that a Succession Certificate may be granted to the petitioners with power to collect the debts and to receive interest 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 petitioners.

2. Heard the learned counsel for the petitioners.

3. It is the case of the petitioners that the 1st Petitioner is the wife, 2nd and 3rd Petitioners are the sons and 4th Petitioner is the daughter of the deceased Mr.K.Damodharan, who died on 04.10.2019 leaving the petitioners as his only Class-I legal heirs. The deceased ordinarily resided at Redhills, Chennai and left the accounts and fixed deposits specified in the Schedule within the jurisdiction of this Court. The Petitioners are the only legal heirs of Mr.K.Damodharan. The parents of the deceased Mr.K.Damodharan pre-deceased him.

4. The deceased Mr.K.Damodharan died intestate in the year 2019 and though due and diligent search has been made for a Will, none has been found. The deceased left the accounts and fixed deposits as specified in the schedule within the jurisdiction of this Court. The Petitioners are constrained to produce the Succession Certificate to transfer the accounts and fixed deposits from the name of his father to their names. The Petitioners are Class I heirs of the deceased Mr.K.Damodharan 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 2nd Petitioner was examined as P.W.1 and Exs.P1 to Ex.P.6 were marked through him.

6. P.W.1 has given evidence on his behalf and on behalf of other petitioners also. In his evidence he has stated that 1st Petitioner is his mother and 3rd and 4th Petitioners his brother and sister respectively. Ex.P.1 is the death certificate of his father Mr.K.Damodharan, who died on 04.10.2019.

petitioners are the legal heirs of the said Mr.K.Damodharan. Ex.P.6 is the paper publication effected on 24.12.2020 and none has objected for it.

7. Considering the averments made in the petition and the documents filed by the petitioners, I am satisfied that the petitioners have succeeded the Estate of the deceased Mr.K.Damodharan. Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate to the petitioners with power to collect the debts and to receive the interest specified in the schedule, is issued.

Sd/R.P.A.J.
18.02.2021

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

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