

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

THURSDAY, THE 11TH DAY OF FEBRUARY 2021

THE HON'BLE MR. JUSTICE R.PONGIAPPAN

O.P.No.259 of 2020

In the matter of Indian
Succession Act, XXXIX of
1925
and
In the matter of debts of Viqar
Ahmed died intestate

1. Mrs.KHADER ALMAS
W/o.Late Viqar Ahmed,
4/8, Gandhi Avenue,
Purasawalkam, Chennai-600 084

2. Ms.MARYAM
D/o.Late Viqar Ahmed,
Rep. by her mother
Mrs.Khader Almas,
4/8, Gandhi Avenue,
Purasawalkam,
Chennai-600 084

..Petitioners

Original Petition praying that this Hon'ble Court be pleased to grant
Succession Certificate to the Petitioners with power to collect 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, 1925 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 and the 2nd petitioner is the minor daughter of Late Viqar Ahmed. The above said Viqar Ahmed died intestate on 11.09.2019. The deceased ordinarily resided at 4/8, Gandhi Avenue, Purasawalkam, Chennai – 600 084 and left the asset specified in the Schedule, within the jurisdiction of this Court. The parents of the deceased Viqar Ahmed predeceased him. The Petitioners are the only legal heirs of Late Viqar Ahmed. The deceased died intestate on 11.09.2019 and though due and diligent search has been made for a Will, none has been found.

4. The deceased left the asset within the jurisdiction of this Court and as the Petitioners are the only legal heirs of the deceased, they are entitled to the estate of the said deceased Viqar Ahmed. The Petitioners required the

the Savings Bank Account No.01241000058176 in HDFC Bank, Kilpauk Branch, standing in the name of the deceased Viqar Ahmed, morefully mentioned in the Schedule. The said assets in respect of which the Succession Certificate is required are for the value of Rs.28,10,753.69. 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 1st Petitioner was examined as P.W.1 and four documents viz., Exs.P1 to Ex.P.4 were marked through her.

6. P.W.1 in her evidence has stated that she is the wife of the deceased Viqar Ahmed, who died intestate on 11.09.2019 and the 2nd petitioner is her minor daughter. She has filed her proof affidavit stating the facts of this case and the same may be treated as part and parcel of her examination-in-chief. Ex.P.1, is the computer generated death certificate of the deceased Viqar Ahmed. The said certificate shows that the deceased died on 11.09.2019. Ex.P.2, is the computer generated Legal Heirship

certificate dated 16.10.2019, in respect to the deceased Viqar Ahmed. Ex.P.3, is the photocopy of the Savings Bank passbook in HDFC Bank, Kilpauk Branch, held by Viqar Ahmed bearing Account No.01241000058176. Ex.P.4, is the copy of the Paper publication effected on 19.09.2020 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 Viqar Ahmed. 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 interests thereon, specified in the Schedule, is issued.

सत्यमेव जयते

Sd/.R.P.A.J.
11.02.2021

//Certified to be a true copy//

Dated this the _____ day of _____ 2021.

SU/16.02.2021

COURT OFFICER(O.S.)

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