

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

THURSDAY, THE 01ST DAY OF APRIL 2021

THE HON'BLE MR. JUSTICE R.PONGIAPPAN

O.P.No.376 of 2020

In the matter of the Indian Succession
Act XXXIX of 1925 and
In the matter of the certain debts of
(Late) Mrs.S.Janaki Who died on
04.09.2014

Mr.R.KANNAN

S/o (Late) Mr.K.Ramanathan,
21/7, Parthasarathypuram,
North Usman Road,
T.Nagar, Chennai – 600017

..Petitioner

-Vs-

1. Mrs.R.BHAVANI

W/o (Late) Mr.K.Ramanathan,
21/7, Parthasarathypuram,
North Usman Road, T.Nagar,
Chennai - 600017

2. Mrs.KAMALAMMUTHUKRISHNAN

W/o Mr.Shankar Muthukrishnan,
21/7, Parthasarathypuram,
North Usman Road,
T.Nagar, Chennai - 600017

..Respondents

Original Petition praying that this Hon'ble Court be pleased for grant

R.Kannan with the power to collect the debts, transfer the deceased accounts in his name 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 petitioner.

2. Heard the learned counsel for the petitioner.

3. It is the case of the petitioner that the deceased was a widow for almost whole of her lifetime and did not have any children; hence the following are the only Class II legal heirs of the deceased. The following surviving Legal Heir's are of the petitioner's father (Late) Mr.K.Ramanathan, (i.e., the deceased's blood brother)

- | | |
|---|------------|
| a. Mr.R.Kannan (Petitioner) | - Son |
| b. Mrs.R.Bhavani (First Respondent) | - Wife |
| c.Mrs.Kamalam Muthukrishnan (Second Respondent) | - Daughter |

The above said deceased Mrs.S.Janaki died intestate on 04.09.2014. The deceased ordinarily resided at No.21/7, Parthasarathypuram, North Usman Road, Chennai – 600001. The deceased died intestate and though due and diligent search has been made for a Will, none has been found. The deceased left the debentures and deposits specified in the Schedule, within the jurisdiction of this Court. The succession certificate is required for the purpose of enjoying the benefits and for transferring the account of the deceased and at various banks and financial institutions in the name of the petitioner. The said assets in respect of which the Succession Certificate is required are for the total value of Rs.8,00,717/-. No application for a succession certificate has been made to any District Court or delegate or to any High Court. Hence, the petitioner has approached this Court for grant of succession certificate in the name of petitioner with power to collect the assets as specified in the schedule.

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4.The petitioner was examined as P.W.1 and eighteen documents viz., Ex.P1 to Ex.P.18 were marked through him.

5. P.W.1 in his evidence has stated that he is the petitioner herein. He

has filed his proof affidavit stating the facts of this case and the same may

be treated as part and parcel of his examination-in-chief. In continuation of his proof affidavit, the following documents were marked as exhibits on his side. Ex.P.1 is the computer generated death certificate of his paternal aunt S.Janaki, who died on 04.09.2014. Ex.P2 is the photocopy of the Debenture Certificate dated 05.04.2019 bearing No.50621943 held by his paternal aunt. Ex.P3 to Ex.P8 are the photocopies of the fixed deposit accounts standing in the name of Mrs.S.Janaki. Ex.P9 is the photocopy of the letter dated 20.07.2010 issued by Shriram Group Companies in respect of fixed deposit certificate held by his paternal aunt. Ex.P10 is the photocopy of the letter dated 14.01.2019 issued by State Bank of India, T.Nagar Branch stating customer ID of his paternal aunt as 78425154802 (KYC). Ex.P11 is the photocopy of the savings account passbook held by his paternal aunt in Indian Overseas Bank, Anna Salai Branch. Ex.P12 and Ex.P13 are the photocopies of the front page of cheque books held by his paternal aunt. Ex.P14 is the computer generated Legal Heirship certificated dated 20.09.2018 in respect of his father K.Ramanathan. Ex.P15 is the photocopy of his Aadhaar card. Ex.P16 and Ex.P17 are the consent affidavits given by the 1st and 2nd respondents. Ex.P18 is a copy of Paper publication effected in one issue of Tamil Daily “Makkal Kural” dated 15.01.2021.

6. 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.S.Janaki. 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, transfer the deceased accounts in his name and to receive interest as specified in the schedule, is issued.

Sd/.R.P.A.J.

01.04.2021

//Certified to be a true copy//

Dated this the day of 2021.

SU/21.04.2021

COURT OFFICER(O.S.)

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

सत्यमेव जयते

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