

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.263 of 2020

In the matter of Indian
Succession Act XXXIX of 1925
and

In the matter of certain debts of
S.R.Kumar – deceased intestate.

1. Mrs.L.RAJESWARI
W/o.Late S.R.Kumar,
No.B-9, Balaji Apartments,
29A and B, Poonamallee Road,
Ekkattuthangal,
Chennai-600 032

2. Miss.K.LAVANYA (MINOR) F/8,
Rep by her natural Guardian and mother
Mrs.L.Rajeswari, No.B-9,
Balaji Apartments, 29A and B,
Poonamallee Road,
Ekkattuthangal,
Chennai-600 032

..Petitioners

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 from PPF Account a sum of

Rs.12,42,934/- due which is to the deceased S.R.Kumar in PPF Account

No.32930020657 in the State Bank of India, Ashok Nagar Branch, Chennai-83 to the petitioners as specified in the schedule I (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 and the 2nd petitioner is the minor daughter of Late S.R.Kumar. The above said S.R.Kumar died intestate on 07.05.2019. The deceased ordinarily resided at F-111, 3rd Floor, Chinthamani Apartment, 55th Street, Ashok Nagar, Chennai and left the **asset** specified in the Schedule, within the jurisdiction of this Court. The parents of the deceased S.R.Kumar predeceased him. The Petitioners are the only legal heirs of Late S.R.Kumar. The deceased died intestate on 07.05.2019 and though due and diligent search has been made for a Will, none has been found.

4. The Petitioners are the only legal heirs of the deceased, they are entitled to the estate of the said deceased S.R.Kumar. The Petitioners required the Succession Certificate for the purpose of realising the monies available in the Public Provident Fund Account No.32930020657 in State Bank of India, Ashok Nagar Branch, standing in the name of the deceased S.R.Kumar, morefully mentioned in the Schedule. The said assets in respect of which the Succession Certificate is required are for the value of Rs.12,42,934/-. 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 twelve documents viz., Exs.P1 to Ex.P.12 were marked through her.

6. P.W.1 in her evidence has stated that she is the wife of the deceased S.R.Kumar, who died intestate on 07.05.2019 and the 2nd petitioner is her minor daughter. She has filed her proof affidavit stating the

examination-in-chief. Ex.P.1, is the computer generated death certificate of the deceased S.R.Kumar. The said certificate shows that the deceased died on 07.05.2019. Ex.P.2, is the computer generated Legal Heirship certificate dated 27.07.2019, in respect to the deceased S.R.Kumar. Ex.P.3 and Ex.P4 are the photocopy of the death certificates of the parents of the deceased viz., R.Krishnambal and S.R.Ramasubramanian, respectively. Ex.P.5, is the copy Public Provident Fund Account No.32930020657 in State Bank of India, Ashok Nagar Branch, held by the deceased S.R.Kumar. Ex.P.6, is the photocopy of the Savings Bank Account held by the 1st petitioner in State Bank of India, Ashok Nagar Branch, bearing Account No.10574965314. Ex.P.7 and Ex.P8 are the photocopy of the 1st petitioner's Aadhaar Card and PAN Card, respectively. Ex.P9 and Ex.P11, are the photocopy of the Aadhaar Card and PAN Card of the deceased, respectively. Ex.P10, is the photocopy of the passport of the 1st petitioner's minor daughter Lavanya. Ex.P12, is the copy of the Paper publication effected on 21.10.2020 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 S.R.Kumar. 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.

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.



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