



O.P.No.301 of 2020

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WEB CO **R. PONGIAPPAN, J.**

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 Petitioners 1 is daughter and Petitioners 2 and 3 and one Mr.Naresh Kumar Bokadia are the sons of the deceased Mrs. Aichuki Kavar, who died intestate on 04.10.2019. The husband of the deceased Mrs.C.Jabar Chan bokadia predeceased her on 10.10.2010. Mr.Naresh Kumar Bokadia one of the sons of the deceased also predeceased her on 27.09.2019 leaving behind his Class-1 legar heirs, who are petitioner 4 to 4 herein. The deceased ordinarily resided at Chennai and she had investments in Sowcarpet Post Office, Chennai-79 towards Public Provident Fund Account Scheme (PPF) in Account No.2731809686, having



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balance of Rs.6,38,976/- as per her account. Since she has not mentioned the nominee name in the PPF Account, the post master concern required Succession Certificate from the competent Court. The Petitioners are equally entitled to the above said sum assured along with interest in respect of above PPF Account of the deceased Mrs. Aichuki Kavar.

4. The deceased died intestate and though due and diligent search has been made for a Will, none has been found. The deceased left the investment within the jurisdiction of this Court. The Petitioners are constrained to produce the Succession Certificate to get the amount from the Post Office. 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, the Petitioners prays to grant Succession Certificate to the 2nd Petitioner with power to collect the debts and to receive the interest and dividends on and negotiate and transfer the securities.

5.The Second Petitioner was examined as P.W.1 and Exs.P1 to



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Ex.P.7 were marked through him.

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6. P.W.1 in his evidence has stated that the first petitioner is his sister, 3rd Petitioner is his brother and one Naresh Kumar Kodadia another brother who died on 27.09.2019 leaving behind his legal heirs, who are Petitioners 4 to 7. Ex.P.1 is the death certificate of their mother Mrs. Aichuki Kavar who died on 04.10.2019. Ex.P.2 is the Legal Heirship Certificate dated 04.01.2020 in respect of Mrs. Aichuki Kavar. Ex.P.3 is the death certificate of their father Mr.C.Jabar Chand Bokadia, who predeceased their mother on 10.10.2010. Ex.P.4 is the death certificate of their brother Mr.J.Naresh Kumar Bokadia, who died on 27.09.2019. Ex.P.5 is the legal heirship certificate dated 29.01.2020 in respect of Mr.J.Naresh Kumar Bokadia. Ex.P.6 is the Post Office savings bank scheme pass book or Mrs.Aichuki Kavar. Paper publication has also been effected on 08.09.2020 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



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Estate of the deceased Mrs. Aichuki Kavar. Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate to the 2nd Petitioner with power to collect the amount as specified in the schedule, is issued.

02.02.2021

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