



OP No.522 of 2021

OP No.522 of 2021

WEB COPY

ABDUL QUDDHOSE, J.

This Original petition has been filed for Succession Certificate.

2. The first petitioner is the son and the second petitioner is the daughter of the deceased K.S.Subramanian, who died on 24.10.2020, leaving behind certain securities/debts, morefully described in the schedule to the petition. The petitioners are his only legal heirs. During his life time, K.S.Subramanian divorced his wife and the same is confirmed by Order dated 01.03.2002 passed by this Court in C.R.P.No.232 of 2002. It was a mutual consent divorce. Since K.S.Subramanian was maintaining certain bank accounts, which are morefully described in the schedule to the petition and the said Banks were insisting upon the production of Succession Certificate, the petitioners have approached this Court seeking for grant of Succession Certificate.



OP No.522 of 2021

3. Before the learned Master, Ms.R.Latha, who is the Power Agent of both the petitioners, who are living abroad, was examined as a witness (P.W.1). The Power Agent of the petitioners, in her deposition, has reiterated the contents of the petition filed in support of O.P.No.522 of 2021. Before the learned Master, the following documents were marked as Exhibits on the side of P.W.1.

<i>Exhibits</i>	<i>Nature of the documents</i>
P1	Computer generated death certificate of K.S.Subramanian, who died on 24.10.2020.
P2	Computer generated Legal heirship certificate dated 03.03.2021 for the deceased K.S.Subramanian.
P3	Original Specific Power of Attonery dated 27.02.2021 executed in favour of R.Latha, Power Agent, by the first petitioner.
P4	Original Specific Power of Attonery dated 26.02.2021 executed in favour of R.Latha, Power Agent, by the second petitioner.
P5	Photocopy of the order dated 01.03.2002 passed in C.R.P.No.232 of 2002 by this Court.
P6	Certified copy of the ICICI Bank Account Statement as on 09.03.2021 of K.S.Subramanian, bearing Account No.00102000004.
P7	Certified copy of the ICICI Bank Account Statement as on 31.12.2020 of K.S.Subramanian, bearing Account No.035001000026.
P8	Copy of paper publication effected in one issue of Tamil daily "Makkal Kural" dated 28.09.2021.

4. As seen from the evidence available on record, K.S.Subramanian died on 24.10.2020, leaving behind the petitioners, being his children, as his only legal heirs, as seen from his legal heirship



OP No.522 of 2021

certificate dated 03.03.2021, which has been marked as Ex.P2. The original specific Power of Attorney dated 27.02.2021 executed by the first petitioner in favour of Ms.R.Latha also confirms that she is the Power Agent to the first petitioner. The specific Power of Attorney dated 26.02.2021 executed by the second petitioner in favour of Ms.R.Latha also confirms that she is the Power Agent to the second petitioner also. Both Powers of Attorneys have been duly notarised by a Notary Public at the foreign city, where the respective petitioners are permanently residing and the same has also been adjudicated by the Sub Registrar Office, Mylapore. Ex.P5 is the photocopy of the order dated 01.03.2002 passed by this Court in C.R.P.No.232 of 2002, under which, mutual consent divorce was granted in favour of K.S.Subramanian against his wife, V.Vasanthi Devi. The details of the bank accounts described in the schedule to the petition are also confirmed through Exs.P6 and P7. A paper publication has also been effected by the petitioners in one issue of Tamil daily “ Makkal Kural” dated 28.09.2021, with regard to the petition filed by them before this Court seeking for grant of succession certificate.

5. An averment has also been made in the petition that no



OP No.522 of 2021

application has been made to the District Court or delegate or to any High Court for Probate of any Will of the deceased or Letters of Administration with or without the Will annexed to his properties and credits. No application for Succession Certificate in respect of any debts or security belonging to the estate of the deceased has been made to any District Court or delegate or to any High Court.

6. After giving due consideration to the pleadings and evidence available on record, this Court is inclined to grant the succession certificate in favour of the petitioners as prayed for in O.P No.522 of 2021. Accordingly, this Original Petition is allowed.

13.12.2021

srn



WEB COPY



OP No.522 of 2021

ABDUL QUDDHOSE, J.

srn

OP No.522 of 2021

13.12.2021