

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

FRIDAY, THE 12TH DAY OF FEBRUARY 2021

THE HON'BLE MR. JUSTICE R.PONGIAPPAN

O.P.No.387 of 2020

In the matter of Indian Succession
Act XXXIX of 1925

and

In the matter of Indian Succession
Act XXXIX of 1925 and In the
matter of Certain debts / securities
belonging to K.Krishna Kumar
Intestate (deceased)

1. MRS.LATHA KRISHNA KUMAR
W/O.K.KRISHNA KUMAR
No.8, LAKSHMI ILLAM,
PONDICHERRY ROAD,
KOTTUR, KOTTURPURAM,
CHENNAI - 600 085

2.MR.AVINASH KRISHNA KUMAR
S/O.K.KRISHNA KUMAR
No.8, LAKSHMI ILLAM,
PONDICHERRY ROAD,
KOTTUR, KOTTURPURAM,
CHENNAI - 600 085

3.MR.AASHISH KRISHNA KUMAR
S/O.K.KRISHNA KUMAR
No.8, LAKSHMI ILLAM,
PONDICHERRY ROAD, KOTTUR,
KOTTURPURAM,
CHENNAI - 600 085

Original Petition praying that this Hon'ble Court be pleased that the succession certificate may be granted to the petitioners with power to collect the debts, securities and to receive the interest specified in the schedules 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 appearing for the petitioners.

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3. It is the case of the petitioners that the Petitioners are the wife and sons of the deceased. The deceased Mr.K.Krishna Kumar died intestate on 29.10.2019. The deceased ordinarily resided at Lakshmi Illam, 8, Pondicherry Road, Kottur, Chennai – 600 085 and left the assets specified

deceased pre-deceased him. The Petitioners are the only legal heirs of Late K.Krishna Kumar. The deceased died intestate on 29.10.2019 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 K.Krishna Kumar. The Petitioners required the Succession Certificate for the purpose of claiming the share in the investment, standing in the name of the deceased K.Krishna Kumar, morefully mentioned in the Schedule. The said assets in respect of which the Succession Certificate is required are for the value of Rs.1,16,30,796.83. 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 securities and to receive the Interest and Dividends thereon and to negotiate and transfer the securities, specified in the Schedule.

5. The first Petitioner was examined as P.W.1 and eleven documents viz., Exs.P1 to Ex.P.11 were marked through her.

6. P.W.1 in her evidence has stated that 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. In continuation of her proof affidavit, the following documents were marked as exhibits on her side. Ex.P.1 is the computer generated copy of the death certificate of K.S.Lakshmi dated 03.01.2011. Ex.P.2 is the computer generated copy of the Death Certificate of deceased K.Krishna Kumar dated 01.11.2019. Ex.P.3 is the computer generated copy of the Legal Heir Certificate of deceased K.Krishna Kumar dated 03.12.2019. Ex.P4 is the original Saving Account number statement issued by Kotak Mahindra Bank dated 17.07.2020. Ex.P5 is the original Kotak World Travel Card Statement dated 21.07.2020. Ex.P6 is the original Demat Account Statement issued by Kotak Mahindra Bank dated 10.07.2020. Ex.P7 is the photocopy of the Aadhar Card of deceased K.Krishna Kumar. Ex.P8 is the photocopy of the Aadhar Card of Latha Krishna Kumar. Ex.P9 is the photocopy of the Aadhar Card of Avinash Krishna Kuma. Ex.P10 is the photocopy of the Aadhar Card of Aashish Krishna Kumar. Ex.P11 is the original paper publication effected in one issue of Tamil daily “Makkal Kural” dated 01.10.2020.

7. Considering the averments made in the petition and the documents filed by the petitioners, I am satisfied that the petitioners has succeeded the Estate of the deceased K.Krishna 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 securities and to receive the Interest and Dividends thereon and to negotiate and transfer the securities, specified in the Schedule, is issued.

Sd/.R.P.A.J.
12.02.2021

//Certified to be a true copy//

Dated this the 12th day of February 2021.

SU/03.03.2021

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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