

O.P.No.700 of 2019**V.PARTHIBAN.,J.**

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 petitioners.

2.It is the case of the petitioners that they are the legal heirs of deceased Mr.Muthuswamy and Mr.Thiyagarajan. The first, second and third petitioners are the wife, daughter and son of Mr.Muthuswamy and fourth, fifth and sixth petitioners are the wife, son and daughter of the deceased Mr.Thiyagarajan respectively. The said Muthuswamy died on 23.06.2018 at Overlake Hospital Medical Center, Bellevue, Washington – 98004 and Mr.Thiyagarajan, died on 27.05.2014 at Fortis hospital, B.G.Road, Bangalore, Karnataka. Other than the petitioners, there are no other relatives to succeed the estate as Class-I heir. Prior to and at the time of his death, the deceased had his fixed place of residence at No.4115, Tower No.4, Phase-I, Estancia, GST Road, Velacherry, Kancheepuram. They left the schedule mentioned properties and died within the jurisdiction of this Court. The deceased left the property specified in the Schedule hereto, i.e., TERM DEPOSIT (5 years) of Rs.2,34,000/- under MONTHLY INCOME SCHEME held in Post Office, Pammal, Chennai - 75 in A/c.No.2541496045. On account of the death, the

petitioners being their successors, are jointly entitled for the amount lying in the Post Office. The deceased died intestate and though due and diligent search has been made for a Will, none has been found. The succession certificate is required for the purpose of withdrawing the Term Deposit, lying in the name of the deceased held in Post Office, Pammal, Chennai - 600 075. The asset in respect of which the succession certificate is required is of the value of Rs.2,34,000/-. No application for a succession certificate in respect of any debt or security belonging to the estate of the said deceased have been made to any District Court or delegate or to any High Court. Hence, the petitioners have approached this Court for grant of succession certificate in their names with power to collect the debts and to receive the interest and dividends on and negotiate and transfer the securities specified in the schedule.

3.The first petitioner examined herself as P.W.1 and marked Exs.P1 to P9. Ex.P1 is the photocopy of the death certificate of Muthuswamy, who died on 23.06.2018. Ex.P2 is the computer generated Legal Heirship certificate dated 31.08.2018 in respect of Muthuswamy. Ex.P3 is the photocopy of the Post Office savings account passbook bearing account No.135272 standing in the name of V.Muthuswamy. Ex.P4 is the photocopy of the death certificate of M.Thiyagarajan, who died on 27.05.2014. Ex.P5 is the photocopy of

the legal heirship certificate dated 22.09.2014 in respect of Mr.Thiyagarajan. Ex.P6 is a copy of paper publication effected in one issue of Tamil daily "Thina Boomi" dated 04.12.2019. Ex.P7 is the consent affidavit given by the 2nd petitioner. Ex.P8 is the consent affidavit given by the 3rd petitioner. Ex.P9 is the consent affidavit given by the 4th petitioner.

4.Considering the averments made in the petition and the documents filed by the petitioners, this Court is satisfied that the petitioners have succeeded the Estate of the deceased Mr.Muthuswamy and Mr.Thiyagarajan. Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate to the first petitioner with power to collect the debts and to receive the interest and dividends on and negotiate and transfer the securities specified in the schedule, is issued. The petitioners are directed to render account once in a year.

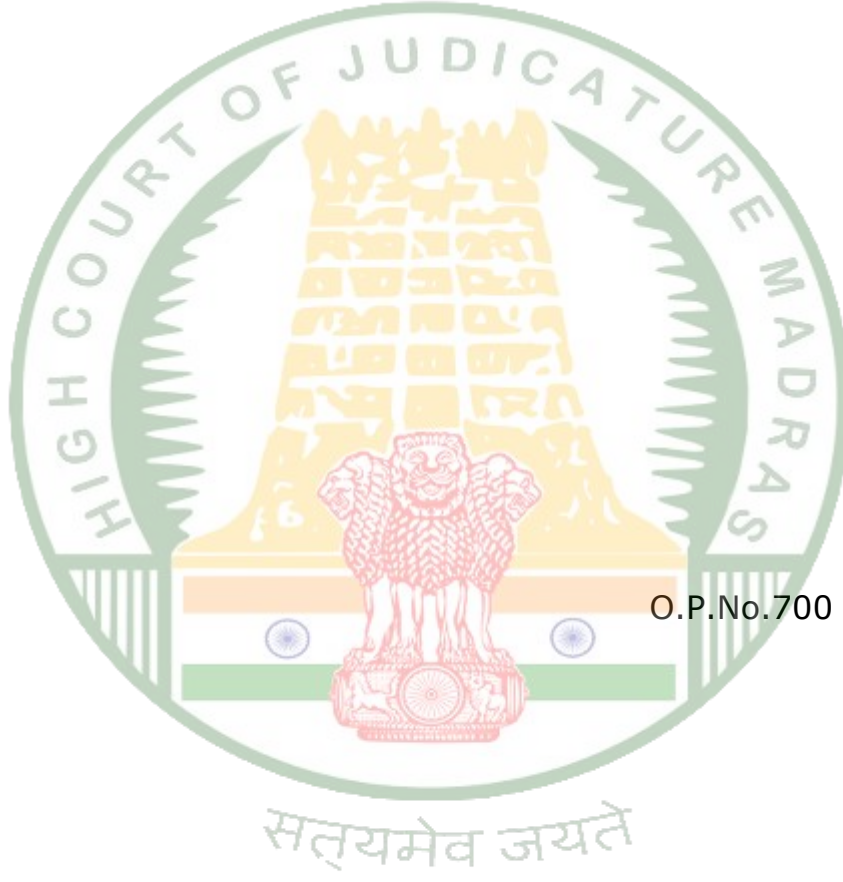
WEB COPY

22.09.2021

mrm

V.PARTHIBAN.,J.

mrm



O.P.No.700 of 2019

WEB COPY

22.09.2021