

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 31.08.2021

Coram:

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

Original Petition No.667 of 2020

1. P.Madhumathi
W/o P.B.Kishore Kumar(late)
2. P.Ananda Kumar
S/o P.B.Kishore Kumar (late)

Both petitioners 1 & 2 are
residing at
No.23/5, Kappal Polu Street,
Old Washermenpet,
Chennai - 600 021.

.. Petitioners

Original Petition (O.P) filed under Section 372 of the Indian Succession Act, 1925, read with Order XXV Rule 6 of the Original Side Rules of this Court, praying that Succession Certificate may be granted to the petitioners with power to collect the debts and to receive interest specified in the schedule hereto.

Schedule

The details of debts of the deceased B.Gowthaman is as mentioned below:

<i>Sl. No .</i>	<i>Name of the debtor</i>	<i>Amount of debt, including interest, on the date of application for Certificate (Rs.)</i>	<i>Description and date of instrument if any, by which the debt is secured</i>
1	The Manager, Indian Overseas Bank, Branch at Madras Washermenpet	Rs.6,28,964.97/-	Savings Bank Account No.014201000034037 Customer ID: 1684913 IFSC: IOBA0000142

For Petitioners : Mrs.B.Sharmila

ORDER

This Original Petition is filed to grant Succession Certificate to the petitioners with power to collect the debts and to receive further interest if any specified in the schedule.

2. The petitioners have averred as follows in the petition:

(a) The deceased Mr.P.B.Kishore Kumar died on 08.12.2019 due to ill health condition at Vydehi Hospital and Research Center Whitefield, BBMP, Bengaluru, Karnataka. The deceased Mr.P.B.Kishore Kumar

permanently resided at No.23/5, Kappal Polu Street, Old Washermenpet, Chennai - 600 021. At the time of his death, he resided at No.9, 1st Cross Street, Muneshwara Nagar, Bangalore - 560 036. The petitioners are entitled to withdraw the deposit amounts of Rs.6,28,964.97/- as on 03.11.2020 along with the interests accrued thereon which is laid in Indian Overseas Bank vide Account No.014201000034037 having its Branch at Madras Washermenpet, IFSC No.IOBA0000142. The claim for succession certificate for the collection of the above debt lies within the jurisdiction of this Hon'ble Court.

(b) The deceased, Mr.P.B.Kishore Kumar, husband of the 1st petitioner and father of the 2nd petitioner died intestate and diligent search has been made for a Will but nothing has been found. The deceased P.B.Kishore Kumar died leaving behind his wife, 1st petitioner and his son, 2nd petitioner as the lawful Class-I legal heirs. There are no heirs or near relations other than the petitioners herein. To prove the bonafideness of the same, the legal heirship certificate of the deceased Mr.P.B.Kishore Kumar has been enclosed. The legal heirs under Clause-I of the Indian Succession

Act are entitled to withdraw the deposit amounts of Rs.6,28,964.97/- as on 03.11.2020 which is laid in the above said Indian Overseas Bank along with the interests accrued thereon specified in the schedule hereunder.

(c) The father of the deceased namely Mr.P.Balasundaram died in the year 1985 and the mother of the deceased namely Lakshmikantham died in the year 1979. When the petitioners, being the Class - I legal heirs of the deceased Mr.P.B.Kishore Kumar have approached the Indian Overseas Bank having its Branch at Madras Washermenpet Branch, to withdraw the deposit amounts laid in the said Bank Account, the authorities advised the petitioners to obtain Succession Certificate through appropriate Court of law. Hence, this Petition.

(d) There is no impediment under Section 370 of the Indian Succession Act, 1925 or under any other provisions of this Act or any other enactment to the grant of the Succession Certificate or the validity thereof, if it were granted.

(e) The petitioners have truly set forth in the schedule the debts in

respect which the certificate is applied for. The succession certificate is required for the purpose of withdrawing the deposit amounts laid at Indian Overseas Bank having its Branch at Madras Washermenpet Branch, which absolutely belonged to the deceased. The said assets (debts) in respect of which the succession certificate is required are of the value of Rs.6,28,964.97/-.

(f) No application has been made to any District Court or to its delegate or to any High Court for probate of any Will of the deceased or for Letters of Administration with or without the Will annexed to his properties and credits.

(g) No application for a Succession Certificate in respect of any debt or security belonging to the Estate of the said deceased, had been made to any District Court or delegate or to any High Court.

(h) The petitioners did not intend to serve notice of this petition on any person as there are no interested persons to whom notice may be served.

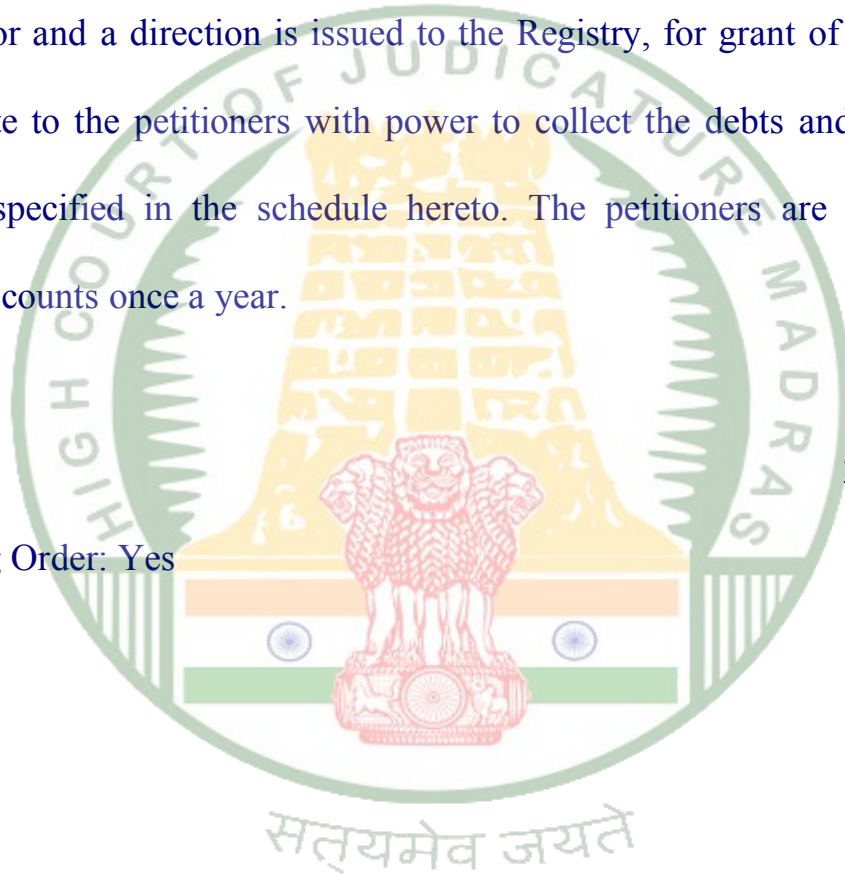
Hence, by stating the above facts, the petitioners have filed the present O.P. for the relief stated supra.

3. The second petitioner examined himself as P.W.1 and marked Exs.P-1 to P-7. Ex.P-1 is the computer generated Death Certificate of the deceased Kishore Kumar P.B., who died on 08.12.2019. Ex.P2 is the computer generated Legal Heirship Certificate dated 213.03.2020 in respect of the deceased Kishore Kumar P.B. Ex.P3 is the photocopy of the bank passbook in respect of the account No.014201000034037, maintained by Mr.Kishore Kumar P.B. with Indian Overseas Bank, Washermenpet Branch. Ex.P4 is the online copy of the statements of accounts for the period from 01.11.2018 to 09.11.2020 in respect of the account No.0142010000034037, maintained by Mr.Kishore Kumar P.B. with Indian overseas Bank, Washermenpet Branch. Ex.P5 is the photocopy of the Aadhaar card of the 1st petitioner Madhukmathi bearing No.9117 1641 8217. Ex.P6 is the photocopy of the 2nd petitioner's Aadhaar card bearing No.6820 9201 7647. Ex.P7 is the paper publication effected in one issue of Tamil daily "Dina Kural" dated 24.02.2021.

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. Therefore, the petition is ordered as prayed for and a direction is issued to the Registry, for grant of Succession Certificate to the petitioners with power to collect the debts and to receive interest specified in the schedule hereto. The petitioners are directed to render accounts once a year.

31.08.2021

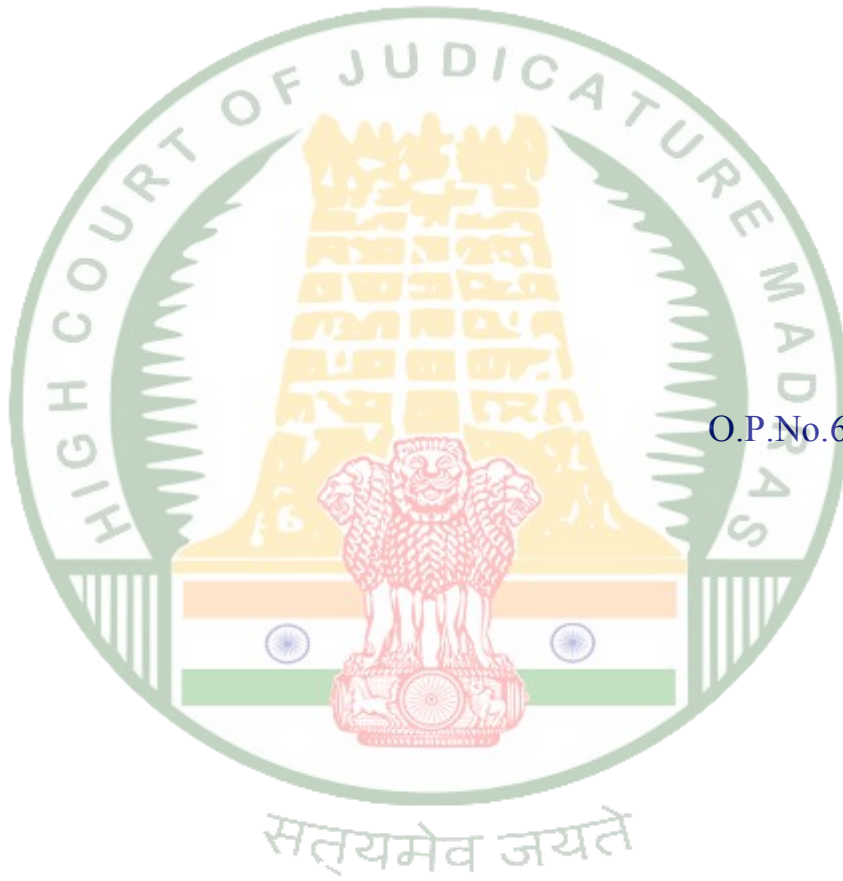
Speaking Order: Yes
vsi



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V.PARTHIBAN, J

vsi



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