

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

WEDNESDAY, THE 17TH DAY OF FEBRUARY 2021

THE HON'BLE MR. JUSTICE R.PONGIAPPAN

O.P.No.859 of 2019

In the matter of the Indian
Succession Act 39 of 1925
and
In the matter of Debt of Minor
Aparnaa Mohankumar intestate
deceased

Mrs.SHRIPRIYA MOHANKUMAR
W/o.Mr.R.Mohankumar,
Flat No.4A,
Sai Balaram Apartment,
New No.9, Dr.Gopala Menon Road,
Kodambakkam,
Chennai-600024.

..Petitioner

-Vs-

Mr.R.MOHANKUMAR
S/o.Mr.K.Ramamurthy,
Flat No.4A, Sai Balaram Apartment,
New No.9, Dr.Gopala Menon Road,
Kodambakkam,
Chennai-600024.

..Respondent

This original petition praying that this Hon'ble Court be pleased
that a succession certificate may be granted to the petitioner with power to
collect the debts and to receive interest specified in the schedule 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 petitioner Mrs. Shripriya Mohankumar.

2. Heard the learned counsel for the petitioner.

3. It is the case of the petitioner that the Respondent is the husband, and the minor Aparnaa Mohankumar is their daughter, who died on 23.04.2019, leaving behind the petitioner and Respondent as her legal heirs. The deceased minor Aparnaa Mohankumar ordinarily resided at Kodambakkam Chennai and holding the PPF Account at Kodambakkam Post Office, within the jurisdiction of this Court. The Petitioners are the only legal heirs of the deceased minor Aparnaa Mohankumar.

4. The deceased minor Aparnaa Mohankumar left the PPF Account within the jurisdiction of this Court. The Succession Certificate is required for the purpose of withdrawal of the PPF Amount, in favour of the

Petitioner. The Petitioner and the Respondent are legal heirs of the deceased minor Aparnaa Mohankumar and the Petitioner is entitled to the amount lying the PPF Account of the minor Aparnaa Mohankumar. The Respondent has given consent for obtaining succession certificate in favour of the Petitioner. 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.

5. The Petitioner was examined as P.W.1 and Exs.P1 to Ex.P.6 were marked through her.

6. P.W.1 in her evidence has stated that the Respondent is her husband and the minor Aparnaa Mohankumar is their daughter. Ex.P.1 is the birth certificate of their minor Aparnaa Mohankumar, who born on 09.02.2004 Ex.P.2 is the death certificate of the minor daughter, who died on 23.04.2019. Paper publication has also been effected on 07.02.2020 and none has objected for it. Ex.P.6 is the consent affidavit given by the Respondent stating that he has no objection in grant of Succession Certificate as prayed in the petition.

7. Considering the averments made in the petition and the documents filed by the petitioner, I am satisfied that the petitioner has succeeded the Estate of the deceased minor Aparnaa Mohankumar. Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate to the Petitioner with power to collect the debts and to receive interest specified in the schedule, is issued.

Sd/.R.P.A.J.
17.02.2021

//Certified to be a true copy//
Dated this the day of 2021.
SU.02.03.2021

COURT OFFICER(O.S.)

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.

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