

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

THURSDAY, THE 15TH DAY OF APRIL 2021

THE HON'BLE MR. JUSTICE T.RAVINDRAN

O.P.No.845 of 2019

In the matter of Indian
Succession Act, XXXIX of
1925

and

In the matter of certain Debts
belonging to S.Saravanan-
died intestate

1. Mr.S.THANGAPANDIAN
S/o.Late M.Sankaran,
No.96, Barathi Street,
Srinivasa Nagar,
Soorapattu, Puzhal,
Chennai-600066.

2.Mrs.R.AMUDHA
W/o.Ramesh Kannan,
No.5/148, KKM Nagar,
Tharagampatti Keelappaguthi,
Tharagampatti,
Karur-621311.

..Petitioners

Original Petition praying that this Hon'ble Court be pleased that a that a
succession certificate may be granted to the 1st petitioner with the power to
collect the debts and to receive the interest if any 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:

The Original Petition has been laid under Section 372 of the Indian Succession Act, 1925, r/w Order XXV Rule 6 of the Original Side Rules seeking for the grant of Succession Certificate to the first petitioner to collect the debts and to receive interest if any specified in the schedule to the petition.

2. According to the petitioners, the deceased S. Saravanan, who died on 13.02.2018 left the debts specified in the schedule to the petition and he died intestate and he was a divorcee on the date of his death and no child was born out of the wedlock and the divorce order was passed by the Additional Sub Court, Karur, in HMOP No.80 of 2017 on 22.09.2017 by dissolving the marriage solemnized between the deceased and his wife N. Sathya. At the time of his demise the deceased had left the petitioners, namely, his elder brother (the first petitioner) and his younger sister (the second petitioner) as his only surviving legal heirs. The father of the deceased, M. Sankaran, died on 04.06.2006 and the mother of the deceased, S. Manikkammal, died on 02.01.2015 and therefore, according to the petitioners, they are the only class I legal heirs of the deceased and entitled to half share in the estate or debts of the deceased. Further according to the petitioners, the deceased had been living with the first petitioner after

divorce and therefore, according to the petitioners, they are entitled to the terminal benefits of the deceased, who was working as an Instrument Mechanic Grade III in Tamilnadu Generation and Distribution Corporation Limited and when the first petitioner approached the Corporation for granting of the said amount to him, the officer in charge directed him to obtain necessary Succession Certificate with reference to his entitlement from the court of law and according to the petitioners the deceased had not left any Will and no application had been levied in any other Court for the probate of any Will left by the deceased or grant of Succession Certificate qua the debt or security belonging to the deceased and accordingly sought for the grant of Succession Certificate to the first petitioner in order to collect the debts and to receive interest described in the schedule to the petition, the Original Petition has been filed by the petitioners. Further according to the petitioners, the Succession Certificate is required for the value of Rs.7,00,000/- for the abovesaid purpose.

3. In the abovesaid matter, after completing necessary formalities, the matter was referred to the Master for recording the evidence. In support of the petitioners' case P.W.1 was examined and Exs.P1 to P17 were marked, detailed as under:

- 1) Ex.P1 is the computer generated death certificate of the deceased S.Saravanan, who died on 13.02.2018.

- 2) Ex.P2 is the photocopy of the Aadhar card of the deceased S.Saravanan bearing No.9197 6223 2503 (Marked after comparing and verifying with the original).
- 3) Ex.P3 is the photocopy of the Identity card of the deceased S.Saravanan issued by Tamilnadu Generation and Distribution Corporation Limited (Marked after comparing and verifying with the original).
- 4) Ex.P4 is the appointment order dated 12.08.2008 sent by Tamil Nadu Electricity Board Technical Branch, Chennai-2 to the deceased S.Saravanan (Marked after comparing and verifying with the original).
- 5) Ex.P5 is the photocopy of the salary slip of the deceased S.Saravanan for the month of January 2018 (Marked after comparing and verifying with the original).
- 6) Ex.P6 is the photocopy of the decree and judgment of divorce passed in HMOP No.80 of 2017 dated 22.09.2017.
- 7) Exs.P7 and P8 are the photocopies of the death certificates of the parents of the deceased S.Saravanan (Marked after comparing and verifying with the original).
- 8) Ex.P9 is the legal heirship certificate dated 03.08.2006 in respect of the deceased Sankaran, the petitioners' father

(Marked after comparing and verifying with the original).

9) Ex.P10 is the legalheirship certificate of the deceased Manikammal, the petitioners' mother (Marked after comparing and verifying with the original)

10)Exs. P11 to P13 are the photocopies of the Family Card.

11)Ex.P14 is the photocopy of the Aadhaar card of the first petitioner bearing No. 5470 3008 2429 (Marked after comparing and verifying with the original)

12)Ex.P15 is the photocopy of the Aadhaar card of the second petitioner bearing No. 3590 2862 3606 (Marked after comparing and verifying with the original).

13)Ex.P16 is the photocopy of the Relationship certificate dated 26.06.2019 issued by the Tahsildar, Madhavaram Taluk in respect of the relation of the deceased S.Saravanan with the petitioners (Marked after comparing and verifying with the original).

14)Ex.P17 is the copy of the paper publication effected in one issue of Tamil daily "Makkal Kural" dated 25.03.2020.

All the abovesaid documents had been marked through the first petitioner examined as P.W.1.

4. Considering the evidence of P.W.1 and the documents marked through him, as above pointed out, it is found that the petitioners are only the legal heirs of the deceased S.Saravanan and thereby the petitioners have made out the case for the grant of Succession Certificate qua the debts detailed in the schedule to the petition as prayed for by them. In such view of the matter, it is found that there is no legal impediment in the grant of Succession Certificate in favour of the the first petitioner as prayed for.

5. For the reasons aforesated, the Succession Certificate is directed to be granted to the first petitioner, with the power to collect the debts and to receive interest if any specified in the schedule to the petition and accordingly, the Original Petition stands allowed.

Sd/.T.R.N.J.
15.04.2021

//Certified to be a true copy//

Dated this the day of 2021.

सत्यमेव जयते

SU/20.04.2021

COURT OFFICER(O.S.)

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