

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

WEDNESDAY, THE 03RD DAY OF MARCH 2021

THE HON'BLE MR. JUSTICE R.PONGIAPPAN

O.P.No.915 of 2019

In the matter of Indian Succession
Act XXXIX of 1925

and

In the matter of certain debts
belonging to the deceased
Dr.M.Padmanabhan Under Part X
of the Indian Succession Act.

1. Dr.INDRANI PADMANABHAN
W/o.Late Dr.M.Padmanabhan

2. P.KIRUTHIGA
D/o.Dr.M.Padmanabhan

3. P.ANANTHAPADMANABHAN
S/o.Dr.M.Padmanabhan

all are residing at
Door No.1341, 5th Street,
Golden Colony, Mogappair,
Chennai-60005

..Petitioners

Original Petition praying that this Hon'ble Court be pleased that a
Succession Certificate may be granted to the 1st petitioner with the 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 Original 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 for the petitioners.

3. It is the case of the petitioners that the 1st petitioner is the wife of the deceased Dr.M.Padmanabhan, who died on 05.02.2019, and the petitioners 2 and 3 are the daughter and son of the said deceased Dr.M.Padmanabhan, respectively. The deceased Dr.M.Padmanabhan ordinarily resided at No.1341, 5th Street, Golden Colony, Mogappair, Chennai – 600 050, and left his Savings Bank Deposit as specified in the Schedule to this petition, within the jurisdiction of this Court. The deceased is survived by the petitioners herein. The deceased was having Savings Bank Account No.1040321841 at Anna Nagar Post Office, Chennai, which has a balance of Rs.5,97,619/-. Since he died intestate, a Succession Certificate is required for the purpose of receiving the amount.

4.The 1st petitioner claims to be entitled to the property of the deceased as mentioned in the Schedule, and the petitioners 2 and 3 have relinquished their claim to the savings bank account mentioned in the Schedule and they have no objection whatsoever for the balance in the said account being paid to the 1st petitioner herein. The petitioners 2 and 3 have filed their consent affidavits in this regard, dated 22.09.2019, along with this Original Petition.

5.It is further averred in the petition that no application has been made to any District Court or Delegate or to any High Court for a Succession Certificate in respect of any debt or security belonging to the estate of the deceased Dr.M.Padmanabhan, or for a probate of any Will of the deceased, or for letters of administration with or without the Will annexed to the properties or credits of the deceased Dr.M.Padmanabhan.

6.Hence, the petitioners pray for a Succession Certificate granted to the 1st petitioner with power to collect the debts and to receive interest specified in the Schedule to this petition.

7.In this regard, the 1st petitioner was examined as P.W.1 and

8.The 1st petitioner (P.W.1) in her evidence has stated that the 2nd and 3rd petitioners are her son and daughter, and she has marked Exs.P1 to P4. Ex.P1 is the Savings Bank Account Passbook in respect of Account No.1040321841 maintained by the deceased. Ex.P2 is the Death Certificate of the deceased Dr.M.Padmanabhan, who died on 05.02.2019. Ex.P3 is the Legal Heir Certificate, dated 24.06.2019, in respect of the deceased. Ex.P4 is the paper publication effected by the petitioners in Tamil daily “Dinaboomi” on 10.01.2020. None has raised any objection.

9.Considering the averments made in the petition and the documents filed by the petitioners, I am satisfied that the petitioners have succeeded the Estate of the deceased Dr.M.Padmanabhan. Therefore, this Original Petition is ordered as prayed for and a direction for grant of Succession Certificate to 1st petitioner with power to collect the debts and to receive interest specified in the Schedule to this petition, is issued.

Sd/.R.P.A.J.
03.03.2021

//Certified to be a true copy//

Dated this the th day of 2021.

SU/08.03.2021

COURT OFFICER(O.S.)

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