



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

FRIDAY, THE 10TH DAY OF DECEMBER 2021

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

O.P.No.987 of 2019

In the matter of Indian
Succession Act, XXXIX of
1925

and

In the matter of debts of
C.Rajan (died Intestate)

1. R.VALLI
W/O.LATE C.RAJAN,

2. R.MAYAPRASANNA KUMAR
S/O.LATE C.RAJAN

BOTH ARE RESIDING AT
NO.3, F-4, PACHAIAMMAL FLATS,
MURUGAN NAGAR, II STREET,
KOLATHUR,
CHENNAI-600 099

3. R.MAYA PRIYA,
D/O.LATE C.RAJAN
NO.71/9, SANDIAPPAN 2ND STREET,
OTTERI,
CHENNAI-600 012

..Petitioners

-Vs-



R.ANGU BAI, W/O.LATE RAJAN
NO.5/27, ELANGO NAGAR 3RD LANE,
PADI, CHENNAI-600 050,
AND ALSO AT I BLOCK, NO.1,
SHYAM NIVEDA, VENKATACH NAGAR,
2ND STREET, THIRUMULLOIVOYAL,
CHENNAI-62

..Respondent

Original Petition praying that this Hon'ble Court be pleased that a succession certificate may be granted to the first petitioner with the power to collect the debts to receive the 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 for Succession Certificate for the family pension payable to the petitioners, after the death of C.Rajan who died intestate.

2. The first petitioner is the first wife, the second petitioner is the son and the third petitioner is the daughter of C.Rajan who died on 04.02.2014 leaving behind the securities mentioned in the schedule to the petition filed in support of O.P. No.987 of 2019. The respondent is the second wife of C.Rajan.



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3. Since the organization in which the deceased, C.Rajan was employed has insisted for the production of Succession Certificate, the petitioners have approached this Court seeking for grant of Succession Certificate.

4. Before the learned Master, the first petitioner who is the first wife of the deceased, C.Rajan was examined as witness (P.W.1) and in her deposition, she has reiterated the contents of the petition filed in support of O.P. No.987 of 2019. Through P.W.1, the following documents were marked as Exhibits :-

<i>Exhibits</i>	<i>Nature of the document</i>
Ex.P1	Computer generated death certificate of the deceased C.Rajan, who died on 04.02.2014.
Ex.P2	Original legal heirship certificate dated 27.09.2017 in respect of the deceased C.Rajan.
Ex.P3	Certified copy of the letter obtained from City Civil Court given by State Bank of India, Villivakkam Branch dated 30.07.2014 addressed to the 1st petitioner.
Ex.P4	Photocopy of the Family card.
Ex.P5	Certified Copy of the birth certificate obtained from City Civil Court of the 2nd petitioner, who was born on 10.04.1986.
Ex.P6	Certified copy of the birth certificate obtained from City Civil Court of the 3rd petitioner, who was born on 09.12.1981.
Ex.P7	Copy of paper publication effected in one issue of Tamil



<i>Exhibits</i>	<i>Nature of the document</i>
	daily "Makkal Kural" dated 06.10.2021.
Ex.P8	Consent affidavit given by the respondent stating that she has no objection in grant of succession certificate as prayed for in the petition.

5. The respondent, who is the second wife of the deceased, C.Rajan has also filed her consent affidavit dated 09.08.2021 before this Court, stating her No Objection for the grant of Succession Certificate in favour of the petitioners.

6. As seen from the evidence available on record, it is clear that C.Rajan died on 04.02.2014 as evidenced from his Death Certificate which has been marked as Ex.P1 and has left behind the petitioners as his only legal heirs as seen from the legal heirship certificate dated 27.09.2017 which has been marked as Ex.P2. The respondent who is the second wife of the deceased, C.Rajan has also been made as a party respondent and she has also given consent by filing a consent affidavit dated 09.08.2021 before this Court, stating her No Objection for the grant of Succession Certificate in favour of the petitioners. The details of the family pension payable to the first petitioner as a result of the death of C.Rajan who was employed with I.C.F., Chennai is also confirmed through the letter dated 02.08.2019 of the <https://hcservices.ecourts.gov.in/hcservices/> Indian Railways addressed to the first petitioner. In the said letter, the



Indian Railways has stated that C.Rajan, while in service had declared the respondent, R.Angubai as his wife in DCRG and pass declaration and in the settlement forms also, the employee has produced the joint photo along with R.Angubai (Respondent) and in PPO copy also R.Angubai name has been declared as beneficiary for family pension. Since the respondent has submitted a consent affidavit before this Court, stating No Objection for grant of Succession Certificate in favour of the first petitioner with regard to the family pension entitlement on account of the death of C.Rajan, this Court is satisfied with the reasons contained in the petition, seeking for grant of Succession Certificate in favour of the first petitioner. Even though, the letter of the Indian Railways dated 02.08.2019 to the first respondent has not been marked as an Exhibit, the same is produced before this Court and this Court has taken into consideration, the said document, for the purpose of granting Succession Certificate in favour of the first petitioner. State Bank of India, by its letter dated 30.07.2014 which has been marked as Ex.P3 has intimated the first petitioner that since the respondent has been shown as nominee of the deceased C.Rajan, the first petitioner has been directed to contact the Pension Sanctioning Authority to get endorsement in her favour in lieu of R.Angu Bai, the respondent herein. Since the respondent has given consent affidavit for grant of Succession Certificate in



grant Succession Certificate in favour of the first petitioner as the petitioners are the only legal heirs of the deceased, C.Rajan and admittedly, the respondent is only the second wife and is not a legally wedded wife of the deceased, C.Rajan. The birth certificates of second and third petitioners who are the children of the deceased, C.Rajan have also been marked as Ex.P5 and Ex.P6 respectively. A paper publication has also been effected by the petitioners in Tamil daily viz., "Makkal Kural" dated 06.10.2021 which has been marked as Ex.P7 with regard to the petition filed before this Court seeking for grant of Succession Certificate. The consent affidavit filed by the respondent has also been marked as Ex.P8.

7. An averment has also been made in the petition that no application has been made to the District Court or delegate or to any High Court for Probate of any Will of the deceased or Letters of Administration with or without the Will annexed to the properties and credits of the deceased. No application for Succession Certificate in respect of any debts or security belonging to the estate of the deceased has been made to any District Court or delegate or to any High Court.

8. After perusing and examining the pleadings and the evidence

available on record, this Court is inclined to grant Succession Certificate in



favour of the first petitioner as prayed for in O.P. No.987 of 2019.

Accordingly, O.P. No.987 of 2019 is allowed.

Sd/.A.Q.J.
10.12.2021

//Certified to be a true copy//

Dated at Madras this the day of 2021.

SU./16.12.2021

COURT OFFICER(O.S.)

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