

O.P.No.687 of 2017

V.PARTHIBAN.J.,

This Petition has been filed under Section 372 of the Indian Succession Act, 1925 read with Order XXV Rule 6 of the Madras High Court Original Side Rules, to grant succession certificate in favour of the petitioner.

2.It is the case of the petitioners that the petitioners and the respondent are the legal heirs of deceased Miss S.Lalitha. The deceased died as spinster and the deceased father was having two daughters by name Jayalakshmi and S.Lalitha and one son who is the petitioner herein. The second petitioner and the respondent are the son and daughter of the deceased Jayalakshmi respectively. Other than the petitioners and the respondents, there are no other relatives to succeed the estate as legal heirs. Prior to and at the time of his death, the deceased ordinarily resided at RMD Nursing Home, 6, Ragaviah Road, T.Nagar, Chennai - 600 017. He left the schedule mentioned properties and died within the jurisdiction of this Court. The deceased was having certain investments as detailed in the Schedule in

the form of Fixed deposits and Bank Accounts for a value of Rs.11,27,373.10. On account of the death, the petitioners and the respondents being her successors, are jointly entitled for the amount lying in financial institutions. The deceased died intestate and though due and diligent search has been made for a Will, none has been found. The succession certificate is required for the purpose of effecting transfer of the above Fixed Deposits and Savings account. The assets in respect of which the succession certificate is required is of the value of Rs.11,27,373.10/-. No application for a succession certificate in respect of any debt or security belonging to the estate of the said deceased has been made to any District Court or delegate or to any High Court. Hence, the petitioners and the respondent have approached this Court for grant of succession certificate in their names with power to collect the debts and to receive the interest and dividends on and negotiate and transfer the securities specified in the schedule.

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3.The 1st petitioner examined himself as P.W.1 and marked Exs.P1 to P8. Ex.P1 is the computer generated copy of the death certificate of

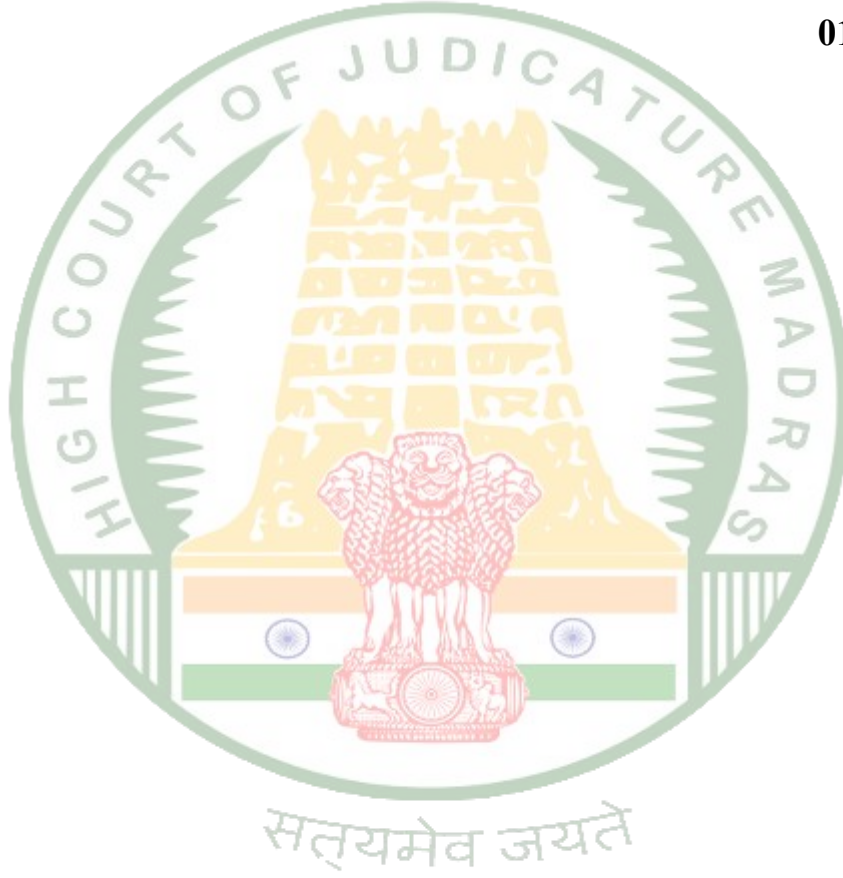
S.Lalitha, who died on 12.03.2016. Ex.P2 is the photocopy of the Term Deposit receipt bearing account No.30210399885 standing in the name of S.Lalitha. Ex.P3 is the photocopy of the IOB bank passbook bearing account No.2236 standing in the name of S.Lalitha. Ex.P4 is the photocopy of the IOB Bank Passbook bearing No.6005 standing in the name of S.Lalitha. Ex.P5 is the photocopy of the Deposit receipt of IOB bank dated 13.07.2013 bearing No.917887 standing in the name of S.Lalitha. Ex.P6 is the photocopy of the deposit receipt of IOB Bank dated 22.07.2009 bearing No.483162 standing in the name of S.Lalitha. Ex.P7 is the photocopy of the passbook of SBI Bank standing in the name of S.Lalitha bearing account No.10398230050. Ex.P8 is a copy of paper publication effected in one issue of Tamil daily “Makkal kural” dated 28.08.2021.

4.Considering the averments made in the petition and the documents filed by the petitioners, this Court is satisfied that the petitioners and the respondent have succeeded the Estate of the deceased Miss Lalitha. Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate to the petitioners with power to collect the debts and

to receive the interest and dividends on and negotiate and transfer the securities specified in the schedule, is issued. The petitioners are directed to render account once in a year.

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