

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

FRIDAY, THE 08TH DAY OF JANUARY 2021

THE HON'BLE MR. JUSTICE R.PONGIAPPAN

O.P.No. 1035 of 2019

In the matter of Indian
Succession Act, XXXIX of 1925
and
In the matter of debts of A.Perumal
(died intestate)

1. P.SURESHKUMAR
S/o.Late A.Perumal,
Old No.17/D,
New No.26, Embar Naidu II Street,
Villivakkam,
Chennai-600 049

2. P.LOGANATHAN
S/o.Late A.Perumal, No.29,
Embar Naidu II Street,
Villivakkam, Chennai-600 049

3. P.SATHYANARAYANAN
S/o.Late A.Perumal,
No.28/17A, Embar Naidu II Street,
Villivakkam, Chennai-600 049

4. A.VIJAYALAKSHMI
D/o.Late A.Perumal,
W/o.Arul Kumar,
No.9/48, Embar Naidu II Street,
Villivakkam, Chennai-600 049

5. M.SARITHA
D/O.LATE A.PERUMAL
W/o.Murugan, No.4/E-56,
Ambedkar Street, Kuthanur,
Madambakkam,
Kancheepuram-603 202

6. V.GAYATHRI,
D/O.LATE A.PERUMAL
W/o.Vengaiyan, No.30/17E,
Embar Naidu II Street,
Villivakkam,
Chennai-600 049

..Petitioners

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 and to receive the interest.

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 r/w. 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 petitioners are sons and

daughters of the deceased A.Perumal. The deceased A.Perumal died

intestate and despite due and diligent search has been made for any Will that might have been executed by the deceased, none has been found. The deceased left the amount specified in the Schedule, within the jurisdiction of this Court. The Succession Certificate is required for the purpose of collecting the debts made by the deceased Perumal in Villivakkam Post office. No application for a Succession Certificate has been made to any District Court or delegate or to any High Court. Hence, the petitioners have approached this Court for grant of Succession Certificate in their name with power to collect the debts as specified in the schedule.

4.The first petitioner P.Suresh Kumar was examined as P.W.1 and marked Exs.P1 to Ex.P.10.

5. P.W.1 in his evidence, has stated that the petitioners 2 & 3 are his brothers and the petitioners 4, 5 & 6 are his sisters. Ex.P.1 is the copy of the death Certificate of Perumal which shows that he died on 22.03.2019. Ex.P2 is the copy of the legal heirship Certificate dated 10.06.2019, which shows that the petitioners are the legal heirs of the said Perumal. Ex.P3 is the copy of the death Certificate of one P.Mallika dated 04.04.2018, who is the wife of the deceased Perumal. Ex.P4 is the copy of the Post office Savings Bank

deceased Perumal at Villivakkam Post office. Ex.P5, Ex.P6, Ex.P7, Ex.P8 and Ex.P9 are the consent affidavits given by the petitioners 2, 3, 4, 5 & 6 stating that they have no objection in grant of Succession Certificate as prayed in the petition. Ex.P10 is the copy of the Paper publication effected in Tamil Daily “Malai Murasu” dated 08.10.2020, has also been taken out and none has objected for it.

6. Considering the averments made in the petition and the evidence of PW.1 and the documents filed by the petitioners, I am satisfied that the petitioners have succeeded the Estate of the deceased Perumal. 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 as specified in the schedule, is issued.

Sd/.R.P.A.J.
08.01.2021

//Certified to be a true copy//
Dated this the _____ day of _____ 2021

SU/22.01.2021

COURT OFFICER(O.S.)

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