

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

THURSDAY, THE 16TH DAY OF JUNE 2022

THE HON'BLE MR. JUSTICE KRISHNAN RAMASAMY

O.P.No.582 of 2021

In the matter of Indian Succession
Act, XXXIX of 1925

and

In the matter of certain debts
belonging to Mr.P.V.Subramanyam
(deceased) Intestate

P.V.RAVIKUMAR
S/o.P.V.Subrahmanyam,
9, Kamdar Nagar, First Street,
Vasanth Apartments,
Block No.1 Flat No.FF1,
First Floor, Mahalingapuram,
Nungambakkam, Chennai - 600 034.

..Petitioners

-Vs-

1. P.KAMESWARI,
W/o.P.V.Subrahmanyam,
Flat No.A16, SREENANDAN,
No.22, Dr.Thomas Road,
T.Nagar, Chennai - 600 017.

2. MADHUSUDHAN RAO
S/o.P.V.Subrahmanyam,
A-203, Century Saras,
Ananthapura Main Road,
Yelahanka, Bengaluru - 560 064.

3. SUREKHA NARESH
D/o.P.V.Subrahmanyam,
B-2, Ceebros Court, 131,
Habibullah Road,
T.Nagar, Chennai - 600 017.

..Respondents

This original petition praying that this Hon'ble court be pleased that a Succession Certificate may be granted to the 1st Respondent/wife of the deceased with power to collect the debts and 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 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 1st respondent.

2. It is the case of the petitioner that he is the son of the deceased Mr.P.V.Subrahmanyam. The 1st respondent is the wife and 2nd and 3rd respondents are sons of the deceased and they are the only Class – I legal heirs of deceased Mr.P.V.Subrahmanyam, who died intestate on 09.12.2020. The petitioner is filing this petition for grant of Succession Certificate in favour of the 1st respondent/wife of the deceased. The total amount of the assets value will be for a sum of Rs.30,00,000/-.

3. It is further stated that the other than the petitioner and respondents, there are no other relatives to succeed the estate as legal heirs. Therefore, the petitioner and the respondents are entitled for share in the estate of the said deceased Mr.P.V.Subrahmanyam.

4. 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 petitioner has approached this Court for grant of succession certificate in favour of the first respondent with power to collect securities and to receive interest, dividends thereon and negotiate and transfer the securities specified in the petition schedules.

5. In order to prove their case, Mr.P.V.Ravikumar, the petitioner herein, is examined as PW.1 and marked Exs.P1 to P7. Ex.P1 is the computer generated death certificate of P.V.Subrahmanyam. Ex.P2 is the computer generated Legal Heirship certificate of P.V.Subrahmanyam. Ex.P3 are the photocopies of the term deposit receipts of Bank of Baroda dated 05.04.2019 and 04.04.2017, standing in the name of P.V.Subrahmanyam. Exs.P4, P5 & P6 are the consent affidavits given by the respondents. Ex.P7 is a copy of paper publication effected in one issue of Tamil daily "Makkal

Kural” dated 08.03.2022. Despite the paper publication also, none has appeared and raised objections.

6. Considering the averments made in the petition and the evidence tendered by PW.1 along with the documents marked as Exs.P1 to P7, this Court is satisfied that the petitioner and respondents have succeeded for the Estate of the deceased Mr.P.V.Subrahmanyam. Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate to the 1st respondent 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.

Accordingly, the 1st respondent is entitled for the relief as prayed for by the petitioner and this Original Petition stands allowed.

Sd/.K.R.J.
16.06.2022

//Certified to be a true copy//

Dated at Madras this the day of 2022.

su.22/06/2022

COURT OFFICER(O.S.)

From 25.09.2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.