



O.P.No.585 of 2021

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WEB CO **KRISHNAN RAMASAMY.J.,**

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 petitioners.

2.It is the case of the petitioner that the deceased Mrs.K.Punithavathani was working as Sweeper at Government R.S.R.M. Hospital, Royapuram, Chennai, who died in duty on 01.08.2020. It is stated that the terminal benefits of the deceased such as Family Welfare Fund, Leave Salary, Death -cum-Retirement benefits are lying to the credit of the employer to a tune of Rs.10,50,000/-. The said deceased Mrs.K.Punithavathani's parents were predeceased to her. Her husband Mr.M.Dhayalan also pre-deceased to her. She did not have any issues out of their wed-lock. Therefore, she adopted her sister's sons and daughter as her legal heirs, who are the petitioners and respondent herein. It is also informed that the deceased Mrs.K.Punithavathani during her employment



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had registered the names of the petitioners and respondent herein, who are none other than her sister, Premavathi's children, and her husband's first wife son respectively as nominees in S.R.Book for entitlement of her retirement benefits. Therefore, both the petitioners and respondent herein are entitled to receive the Family Welfare Fund, Leave Salary and the Death cum Retirement benefits of the deceased Mrs.K.Punithavathani from her employer. Therefore, the present petition has been filed for grant of Succession Certificate in favour of the petitioners. The total amount of the terminal benefits will be for a sum of Rs.10,50,000/-.

3.It is further stated that the other than the petitioners, there are no other relatives to succeed the estate as legal heirs. Therefore, the petitioners are entitled for share in the estate of the said deceased Mrs.K.Punithavathani.

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 petitioners have



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approached this Court for grant of succession certificate in favour of them 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, Mrs.S.Vijayalakshmi, the first petitioner herein, was examined as PW.1 and marked Exs.P1 to P8. Ex.P1 is the photocopy of the identity card of K.Punithavathani. Ex.P2 is the computer generated Death certificate of Mrs.K.Punithavathani. Ex.P3 is the photocopy of the burial ground report of Dhayalan. Exs.P4 is the computer generated death certificate of D.Premavathi. Ex.P5 is the original information received under RTI. Ex.P6 is the photocopy of her Aadhaar Card. Ex.P7 is the photocopy of the Aadhaar card of D.Sabdhagiri. Ex.P7 is the photocopy of the Adhar Card of D.Sabdhagiri. Ex.P8 is a copy of paper publication effected in one issue of Tamil daily “Makkal Kural” dated 04.12.2021. Despite the paper publication also, none has appeared and raised their objections.

6.Further, the respondent herein was examined as RW1 and marked



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Exs.R1 and Ex.R2. In view of the fact that the respondent herein was examined as RW1 and filed his consent affidavit stating that he has no objection for grant of Succession Certificate in favour of the petitioners, the petitioners herein are entitled for grant of Succession Certificate in their favour.

7.Considering the averments made in the petition and the evidence tendered by PW.1 along with the documents marked as Exs.P1 to P8, this Court is satisfied that the petitioners have succeeded for the Estate of the deceased Mrs.K.Punithavathani. 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.

8.Accordingly, the petitioners are entitled for the relief as prayed for by the petitioners and this Original Petition stands allowed.

04.07.2022

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