



Application No.3684

O.P.No.30 of 2012

Application No.3684 of 2021 in
O.P.No.30 of 2012

KRISHNAN RAMASAMY.,J

This Application has been filed to permit the Applicants/Petitioners to break open the Locker No.12, in front of the 2nd respondent/Bank Manager lying in the name of Applicants/Plaintiffs 1 to 3, 5 and 6 deceased Step mother K.Sulochana and hand over all the documents/cash/jewels kept inside the locker of Applicants/Petitioners 1 to 3, 5 and 6 on receipt of necessary charges to be payable, if any on account of maintaining the locker to the respondent bank.

2. In the affidavit filed in support of this application it is stated that the father of the Applicants viz., M.Saravanan married their mother Sampath Lakshmi, who died intestate on 16.06.1993 leaving behind the Applicants as their Legal Heirs and after her demise, he married one K.Sulochana and there was no issues between them. It is further stated that the Applicants' father passed away on 18.01.2007 and he settled his self earned property at Selayur Village in favour of his 2nd wife Sulochana vide Settlement Deed dated 15.09.2000 and their step mother Sulochana also died intestate on 25.01.2011 and therefore the Applicants are Class II Legal Heirs of their step mother. It is further stated that the applicants filed a petition before this Court for grant of Letters of Administration in respect of estate of K.Sulochana in O.P.No.30 of 2012 and this Court by order dated 14.08.2012 has granted Letters of Administration



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in their favour, based on which the Applicants have sold the aforesaid property in favour of One K.S.Arun vide Sale Deed dated 05.02.2013. Thereafter, they came to understand that the deceased K.Sulochana had a locker with UCO Bank, Selaiyur Branch, Chennai, wherein she has kept Original Settlement Deed and other things and when they requested the Bank Manager to give consent for opening the same, he denied their request. Hence, the present Application came to be filed.

3. The learned counsel appearing for the Applicants submitted that they are the Class II Legal Heirs of the deceased Sulochana, as per Section 15 (b) of the Hindu Succession Act, 1956 and hence they are entitled to succeed the property of deceased K.Sulochana. He further submitted that the legal heir certificate issued to the Applicants by the Tahsildar, Ambattur 22.08.2011 in favour of the Applicants was cancelled by the Revenue Divisional Officer, Ambattur vide proceedings dated 08.06.2017 and challenging which W.P.No.31910 of 2019 has been preferred by the Applicants and the same was allowed by setting aside the cancellation order passed by the R.D.O. and remanding the matter for fresh consideration.

4. The learned counsel appearing for the 2nd Respondent submitted that the brother's son of the deceased Sulochana one S.Mohanarangan made an application before the learned District Munsif, Tambakarm for the grant of succession certificate to succeed the estate of Sulochana and the Applicants also filed an application to



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revoke the same.

5. Heard both sides. Perused the records.

6. A perusal of the records would go to show that the Applicants are only the Class II Legal Heirs and the said Mohanarangan, who is the brother's son of deceased Sulochana is not at all a Class II Legal Heir, as per the provision stated supra . That apart, the impugned order dated 08.06.2017 passed by the Revenue Divisional Officer, Ambathur, cancelling the Legal Heir certificate issued by the Tahsildar was set aside by this Court in W.P.No.31910 of 2019 and the matter was remanded back to the concerned authorities for fresh consideration and till date no order is passed by the Revenue Divisional Officer. In view of the same, the Legal Heir Certificate issued by the Tahsildar dated 22.08.2011 hold good and hence this Court is inclined to allow this Application.

7. Accordingly, this Application is allowed and the Applicants are permitted to break open the Locker No.12, in front of the 2nd Respondent, Bank Manager lying in the name of the deceased K.Sulochana, step mother of the Applicants, within a period of two weeks from the date of receipt of a copy of this order and hand over all the documents/cash/jewels kept inside the locker to the Applicants on receipt of necessary charges, if any payable to the Bank.

05.07.2022

arr

Note: Issue order copy on 08.07.2022.

<https://www.mhc.tn.gov.in/judis>



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