



O.P.No.718 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 23.03.2022

PRONOUNCED ON : 05.04.2022

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

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ORDER

This Original petition has been filed by the petitioner who claims to be the niece of the deceased S.Nirmala who died intestate on 24.12.2017, for grant of succession certificate.

2. The first petitioner and the first respondent are the niece and the second respondent is the nephew of the deceased S.Nirmala who died on 24.12.2017 without any issues. The husband of the deceased S.Nirmala namely P.Santhana Krishnan pre-deceased her on 14.01.2012. The parents of the deceased Nirmala namely Ramadoss and Pushpavathi also predeceased her on 20.12.1997 and 24.01.2014 respectively leaving behind S.Nirmala and her brother by name R.Bhaskar as their only legal heirs. Further, the said R.Bhaskar also died on 16.02.2018. The petitioner claims



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herself to be the niece of the deceased S.Nirmala and as the next of kin, having right to succeed the debt i.e. fixed deposits of the deceased S.Nimala and the respondents as the brother and sister of the petitioner are entitled for each one share of the fixed deposit amount. The details of the securities for which the Succession Certificate is sought for, are furnished in the schedule to the petition and its value is Rs.5,77,138/- according to the petitioner.

3. In order to prove her claim, the petitioner has deposed as PW1 before the learned Master in support of this petition for grant of succession certificate. Before the learned Master, the following documents were marked as Exhibits.

<i>Exhibits</i>	<i>Nature of the documents</i>
P1	The photocopy of the Indian Overseas Bank deposit receipt bearing receipt No.347234 standing in the name of S.Nirmala
P2	The photocopy of the Indian Oversease Bank deposit receipt bearing receipt No.337357 standing in the name of S.Nirmala
P3	The photocopy of the Indian Overseas bank deposit receipt bearing receipt No.0129809 sanding in the name of S.Nirmala
P4	The photocopy of the Canara Bank deposit receipt bearing account No.0912401008425/1 standing in the name of S.Nirmala
P5	The photocopy of the Syndicate Bank deposit receipt bearing account No.60014050043713/1 standing in the name of



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<i>Exhibits</i>	<i>Nature of the documents</i>
	S.Nirmala
P6	The photocopy of the front page of the Indian Overseas Bank passbook bearing account No.016701000082194 standing in the name of S.Nirmala
P7	The computer generated death certificate of P.Santhanakrishnan
P8	The computer generated death certificate of R.Baskar
P9	The computer generated death certificate of S.Nirmala
P10	The computer generated death certificate of Ramadoss
P11	The computer generated death certificate of R.Pushpavathi
P12	The consent affidavit given by the 1 st respondent

4. Though the petitioner in her proof affidavit has stated that the deceased S.Nirmala and R.Bhaskar are the only legal heirs to their parents Ramadoss and Pushpavathi, she has not produced any document / legal heir certificate to show that the said deceased S.Nirmala and R.Bhaskar are the only legal heirs to their parents and there is no other legal heirs to them.

5. Though the petitioner claims herself to be the niece of the deceased S.Nirmala, she neither produced any documentary evidence nor examined any witness to establish the same. Even the petitioner has not filed the legal heir certificate of her parents to show that the petitioner and the respondent are the only legal heirs to their parents. Unless the petitioner



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establishes that in what way she is related to the deceased by producing the necessary documents and legal heirship certificates, she is not entitled for the relief sought for in this petition.

6. Therefore petitioner is not entitled for grant of succession certificate. Accordingly, this Original Petition is dismissed.

05.04.2022

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P.VELMURUGAN,J.

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Pre-Delivery Order in

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