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O.P.No.626 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 11.03.2022

PRONOUNCED ON : 25.03.2022

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

O.P.No.626 of 2021

ORDER

This Original petition has been filed by the petitioner who claims to be the Class-II legal heir of the deceased Visalakshi Mahadevan who died intestate on 10.10.2020, for grant of succession certificate.

2. The husband of the said Visalakshi Mahadevan pre-deceased her on 07.06.2015 and the petitioner is the sister's son of the said Visalakshi Mahadevan. The said Visalakshi Mahadevan was working as Head Mistress and she was maintaining savings Bank accounts and fixed deposits with the State Bank of India, Nanganallur Branch, and Indian Overseas Bank, Menambakkam Branch, Chennai and a Locker No.265 with the Indian Overseas Bank. Since the said Visalakshi Mahadevan died issueless leaving behind the petitioner as her class-II legal heir, the petitioner has



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filed this petition for grant of succession certificate. 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.50,37,205.26/-, according to the petitioner.

3. In order to prove his 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 Original death certificate of Sundarambal
P2	The photocopy of the certified copy of the death certificate of S.Mahadevan
P3	The computer generated death certificate of M.Visalakshi
P4	The photocopy of State Bank of India Pass book
P5	The original statement of accounts dated 08.03.2021
P6	The photocopy of the fixed deposit receipt dated Nil, standing in the name of M.Visalakshi
P7	The photocopy of the fixed deposit receipt dated Nil, standing in the names of M.Visalakshi and S.Mahadevan
P8	The photocopy of the fixed deposit receipt dated 07.2.2018 standing in the names of M.Visalakshi
P9	The photocopy of the letter dated 19.01.2007, issued by the Indian Overseas Bank to M.Visalakshi
P10	The copy of paper publication effected in one issue of Tamil Daily "Makkal Kural" dated 24.11.2021



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4. In his proof affidavit, the petitioner has stated that the said Visalakshi Mahadevan is his maternal aunt and she died intestate on 10.10.2020 leaving behind the petitioner as Class-II legal heir. He has further stated that the parents of said Visalakshi Mahadevan pre-deceased her in the year 1947 and 1985 respectively leaving behind the said Visalakshi Mahadevan and M.Sundarambal as their only class-I legal heirs. The said Visalakshi Mahadevan married one Mahadevan who died issueless on 07.06.2015 and said Sundarambal also died on 09.04.2017 leaving behind the the petitioner as her only Class-I legal heir.

5. Though the petitioner claimed himself as the sister's son of the deceased Visalakshi Mahadevan, he has not produced any document/ legal heir certificate of the parents of the deceased Visalakshi Mahadevan to prove that the said Visalakshi Mahadevan and Sundarambal are the only legal heirs of Krishnaswami and Krishnammal and there is no other legal heirs to them.

6. Further the petitioner has not produced any document / legal heir



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certificate to prove that he is the only legal heir of the said Sundarambal and she has no other legal heirs.

7. The petitioner who claims to be only the Class -II legal heir of the said Visalakshi Mahadevan, neither produced any document nor examined any witness to prove that the said Visalakshi Mahadevan and Sundarambal are sisters and they are the only legal heirs to their parents and he alone is the class-I legal heir of Sundarambal who is said to be the sister of Visalakshi Mahadevan. Therefore, in the absence of any clear evidence that the petitioner alone is the only Class-II legal heir of the said Visalakshi Mahadevan and Class-I legal heir of the said Sundarambal, the petition cannot be allowed and the petitioner is not entitled for grant of succession certificate.

8. Accordingly, this Original Petition is dismissed.

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Pre-Delivery Order in

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25.03.2022