

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

FRIDAY, THE 04TH DAY OF FEBRUARY 2022

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

O.P.No.630 of 2021

In the matter of the Indian
Succession Act (Act XXXIX of 1925)
and
In the matter of certain debts
belonging to C.S.Thyagarajan- died
intestate

1. Mrs.C.S.CHITRAVALLI
W/o.Late C.S.Thyagarajan,
residing at No.19/8, Mosque Street,
Mylapore, Chennai - 600 004.

2.Mr.C.T.RENGARAAJAN
S/o.Late C.S.Thyagarajan,
residing at No.19/8, Mosque Street,
Mylapore, Chennai - 600 004.

3.Mr.C.T.DHANUSHRAJAN
S/o.Late C.S.Thyagarajan,
No.19/8, Mosque Street,
Mylapore, Chennai - 600 004.

..Petitioners

Original Petition praying that this Hon'ble Court be pleased that a succession certificate may be granted to the first petitioner With power to collect the debts and also to receive the interest morefully specified in the schedule in the petition.

Original Petition coming on this day before this court for hearing the court made the following order:

This petition has been filed for succession certificate in respect of the securities more fully described in the schedule to the petition filed in support of O.P.No.630 of 2021 left behind by the deceased Mr.C.S.Thyagarajan.

2. Mr.C.S.Thyagarajan died on 06.12.2018 leaving behind the petitioners as his only legal heirs. The first petitioner is his wife and the remaining two petitioners are his children. Since State Bank of India has insisted for production of succession certificate,the petitioners have approached this Court.

3. Before the learned Master, the first petitioner, who is the wife of the deceased Mr.C.S.Thyagarajan, was examined as a witness (P.W.1). In her deposition, she has reiterated the contents of the petition filed in support of O.P.No.630 of 2021. Through P.W.1., the following documents were marked as exhibits:-

<i>Exhibits</i>	<i>Nature of the documents</i>
Ex.P1	Original bank passbook of State Bank of India bearing account No.10476650952 standing in the name of Mr.C.S.Thyagarajan.
Ex.P2	Photocopy of the bank passbook of State Bank of India bearing account No.10476650952 standing in the name of Mr.C.S.Thyagarajan.
Ex.P3	Computer generated death certificate of Mr.C.S.Thyagarajan, who died on 06.12.2018.
Ex.P4	Computer generated Legal Heirship certificate dated 22.02.2019 in respect of C.S.Thyagarajan.
Ex.P5	Computer generated death certificate of C.R.Subramaniam, who died on 15.08.2019.
Ex.P6	Photocopy of the death certificate of C.S.Bhuvanaeswari, who died on 01.11.2000.
Ex.P7	Original Indemnity Bond dated 24.10.2019.
Ex.P8	The consent affidavit given by the second petitioner.
Ex.P9	The consent affidavit given by the third petitioner.
Ex.P10	Copy of paper publication effected in one issue of Tamil daily “Makkal Kural” dated 30.11.2021.

4. The second and third petitioners, who are the children of the deceased Mr.C.S.Thyagarajan, have also given their consent affidavits, which have been marked as Exs. P8 and P9 respectively, stating that they have no objection for grant of succession certificate in favour of the first petitioner, who is their mother.

5. As seen from the evidence available on record, it is clear that the deceased Mr.C.S.Thyagarajan died on 06.12.2018, as seen from his death certificate, which has been marked as Ex.P3, leaving behind the petitioners

as his only legal heirs, as seen from his Legal Heirship certificate dated 22.02.2019, which has been marked as Ex.P4. The details of the securities mentioned in the schedule to the petition filed in support of O.P.630 of 2021, for which the succession certificate is sought for, is also confirmed through Exs.P1 and P2. The parents of the deceased Mr.C.S.Thyagarajan viz., Mr.C.R.Subramaniam and Mrs.C.S.Bhuvaneswari also predeceased him as seen from their respective death certificates, which have been marked as Ex.P5 and P6 respectively. An indemnity Bond has also been executed dated 24.10.2019, which has been marked as Ex.P7. Paper publication has also been effected in one issue of Tamil daily “Makkal Kural” dated 30.11.2021 with regard to O.P.No.630 of 2021 and objections were also not received.

6. An averment has also been made in the petition that no application has been made to the District Court or delegate or to any High Court for Probate of any Will of the deceased or Letters of Administration with or without the Will annexed to his properties and credits. No application for Succession Certificate in respect of any debts or security belonging to the estate of the deceased has been made to any District Court or delegate or to any High Court.

7. After giving due consideration to the pleadings and evidence available on record, this Court is inclined to grant succession certificate as prayed for in favour of the first petitioner, who is the wife of the deceased Mr.C.S.Thyagarajan. Accordingly, this Original Petition is allowed.

Sd/.A.Q.J.
04.02.2022

//Certified to be a true copy//

Dated at Madras this the day of 2022.

SU./07.02.2022

COURT OFFICER(O.S.)

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