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

This Petition has been filed under Sections 300 and 372 Part X of the Indian Succession Act, 1925 & Read with Order XXV Rule 6 of the Madras High Court Original Side Rules, to grant succession certificate in favour of the Petitioners with power to collect the debts and to receive the accrued interest (if any) as specified in the schedule hereto.

2.The 1st petitioner is the wife of the deceased and the 2nd petitioner is the daughter of the deceased. The 1st petitioner's husband viz., Mr.R.Radhakrishnan passed away on 16.03.2017 at the Southern Railways Hospital, Ponmalai, Trichy. At the time of death the deceased worked with the 3rd Respondent as Ex.Tech. Grade-I/SSE/RCC Depot, Ponmalai Workshop, Southern Railways, Trichy. The Petitioners are the Class I Legal Heirs of the deceased and therefore they are entitled for Arrears of Salary, Employees Provident Fund, Gratuity & Group Insurance amounts (if any), which comes to Rs.13,00,000/- (Rupees Thirteen Lakhs only). Therefore, the petitioners have come forward with the petition for grant of succession certificate.



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3.The learned counsel appearing for the petitioners submitted that when the 1st Petitioner who is the wife of the deceased approached the 3rd Respondent for settlement of entire terminal benefits payable to her deceased husband and for the grant of family pension payable to the 1st Petitioner, she was informed that the Respondents 1 and 2 are also claiming the said benefits by claiming themselves as 2nd wife and son and therefore the petitioners are forced to add them as Respondents 1 and 2 in the O.P. He has further submitted that the employer of the deceased was impleaded as the 3rd Respondent in the O.P. The learned counsel appearing for the Petitioner further submitted that when the 1st Petitioner approached the jurisdictional Tahsildar for the grant of Legal Heir Certificate by way of representation dated 06.04.2017, the Tahsildhar vide proceedings dated 06.07.2017 stated that the 1st Respondent claimed herself as 2nd wife by way of representation dated 27.03.2017, they are not in a position to issue Legal Heir Certificate and directed the 1st Petitioner to seek remedy before the Court. That apart, the 3rd Respondent vide proceedings dated 18.01.2019 has informed the 1st petitioner to obtain succession certificate



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from the Court so as to enable them to settle the dues payable to the deceased.

4. The learned counsel appearing for the Petitioners further submitted that the deceased Radha Krishnan never married any one except the 1st Petitioner and the 1st Respondent created certain forged documents and claiming herself as 2nd wife of the deceased and in this connection the 1st Petitioner has lodged a complaint before the Trichy police station and F.I.R. has been registered against the Respondents 1 and 2.

5. 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 approached this Court for grant of succession certificate in favour of the petitioners .

6. In order to prove the case of the 1st petitioner, the 1st petitioner has been examined as P.W.1 and she narrated the averments made in the



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petition stating that she has filed this petition for the grant of succession certificate and has marked Exs.P1 to P5. Ex.P1 is the original marriage invitation card. Ex.P2 is the original birth certificate of 2nd Petitioner R.Vaishnavi. Ex.P3 is the photocopy of the death certificate of R.Radhakrishnan (Original not produced). Ex.P4 is the original letter dated 18.01.2019 addressed to the 1st petitioner by the Divisional Personnel Officer, Tiruchirapalli Division. Ex.P5 is the copy of the paper publication effected in one issue of Tamil daily "Dina Kural" dated 19.03.2022.

7.Despite service of notice on Respondents and their names in the cause list none appeared on behalf of the Respondents and hence they were set exparte on 30.03.2022.

8. This Court as well as the Hon'ble Apex Court in catena of Judgments held that the 1st wife is entitled for the terminal benefits of the deceased husband. That being the legal position, this Court feels it appropriate that the 1st petitioner is entitled to claim terminal benefits of her deceased husband.



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9.Considering the averments made in the petition and the evidence rendered by PW.1 along the documents marked as Exs.P1 to P5 , this Court is satisfied that the petitioners has succeeded the Estate of the deceased R.Radhakrishnan. Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate to petitioners with power to collect the debts and to receive the accrued interest (if any) as specified in the schedule hereto.

10.Accordingly, the Petitioners are entitled for the relief as prayed for and this Original Petition stands allowed.

12.07.2022

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