



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

WEDNESDAY, THE 06TH DAY OF APRIL 2022

THE HON'BLE MR. JUSTICE P.VELMURUGAN

O.P. No.779 of 2019

In the matter of Indian Succession
Act (XXXIX) of 1925

and

In the matter certain debts
belonging to Malathi
Kirubanandam Intestate (deceased)

1. MRS.R.SUMATHI
W/o.Raja kumar,
D/o.Late Sachidanandam,
No.50, Thillai Natarajar Sali,
Near Police Line,
Chidambaram,
Cuddalore District-608001.

2.MR. S.SUGUMAR
S/o.Late Sachidanandam
Plot No.925, G1, Varsha Nest,
Bazaar Road,
Ram Nagar South,
Madipakkam, Chennai-600 091.

..Petitioners

Original Petition praying that this Hon'ble Court be pleased to
Succession certificate may be granted to the petitioner with power to collect
the debts and receive interest specified in the Schedule in the petition.



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

This Original petition has been filed for grant of succession certificate of the deceased Malathi Kirubanandam who died on 18.04.2016 at Chennai.

2. The petitioners 1 & 2 are the daughter and son of the deceased Satchidanandam Mudaliar who is the brother-in-law of the deceased Malathi Kirubanandam. The deceased Malathi Kirubanandam out of the wedlock with Kirubanandam Mudaliar had no issues and hence, the petitioners herein who are the Kirubanandam Mudaliar's brother's children are the class II legal heirs of the deceased Malathi Kirubanandam. 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.2,16,936/-, according to the petitioners.

3. The second petitioner has deposed as PW1 and filed his proof affidavit, 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	Photocopy of the second petitioner's Aadhaar card
P2	Photocopy of the Aadhaar card of the first petitioner
P3	Computer generated death certificate of M.Raju Mudaliar @ Thirumarai
P4	Photocopy of legal heirship certificate dated 14.04.2006 in respect of M.Raju Mudaliar @ Thirumarai
P5	Computer generated death certificate of Sachidanandhan
P6	Photocopy of the legal heirship certificate dated 15.06.1994 in respect of Sachidanandhan
P7	Computer generated death certificate of K.Malathi
P8	Photocopy of the legal heirship certificate dated 26.07.2016 in respect of K.Malathi
P9	Computer generated death certificate of Kirubanandham
P10	Photocopy of the bank passbook in respect of account No.20064322301 maintained by Malathi Kirubanandam issued by State Bank of India, Chinthadripet Branch
P11	Copy of paper publication effected in one issue of Tamil daily "Makkal Kural" dated 22.11.2019

4. 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.

5. This Court has perused and examined the aforementioned

<https://hcservices.ecourts.gov.in/hcservices/>

documents. The death certificate of M.Raju Mudaliar @ Thirumarai has



been marked as Ex.P3 and his legal heirship certificate has been marked as Ex.P4 which shows that one R.Kirubanandam and R.Sachidanandam who is the father of the petitioners are the legal heirs of the deceased M.Raju Mudaliar @ Thirumarai. The death certificate of R.Sachidanandam has been marked as Ex.P5 and his legal heirship certificate has been marked as Ex.P6 which reveals that petitioners are the daughter and son of the deceased R.Sachidanandam. The death certificate of Malathi for whom succession certificate is sought for has been marked as Ex.P7 and her legal heirship certificate has been marked as Ex.P8 which clearly shows that the deceased Malathi had no issues out of the wedlock with her husband R.Kirubanandan and the said R.Kirubanandam is the only legal heir of the deceased Malathi. The death certificate of Kirubanandam has also been marked as Ex.P9. Ex.P10 is the Saving account passbook issued by the State Bank of India, Chinthadripet Branch standing in the name of Malathi Kirubanandam. Paper publication has also been effected by the petitioners in one issue of Tamil daily “Makkal Kural” on 22.11.2019 which has been marked as Ex.P11.

6. After giving due consideration to the averments contained in the petition as well as the Exhibits marked on the side of the petitioners, this Court is of the considered view that the relief of succession certificate sought for by the petitioners in OP No.779 of 2019 has to be granted in



favour of the petitioners. Accordingly, the Original Petition is allowed. The petitioners are directed to pay the requisite succession duty, if any, before obtaining the Succession Certificate.

Sd/.P.V.J.
06.04.2022

//Certified to be a true copy//

Dated at Madras this the day of 2022.

SU/13.04.2022

COURT OFFICER(O.S.)

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