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O.P.No.468 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2022

CORAM

THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

O.P.No.468 of 2022

1. S.Syed Ali Fathima
W/o.M.Syed Navas
2. S.Sahana (Minor)
D/o.M.Syed Navas
Represented by its Mother and Natural
Guardian Mrs.S.Syed Ali Fathima,
No.42, Block ;'N', Muthamizh Street,
MMDA Colony, Arumbakkam,
Chennai-600 106.
3. S.Sherin Nawfiya (Minor)
D/o.M.Syed Navas
Represented by its Mother and Natural
Guardian Mrs.S.Syed Ali Fathima,
No.42, Block ;'N', Muthamizh Street,
MMDA Colony, Arumbakkam,
Chennai-600 106.
4. M.Mydeen Beevi
M/o.M.Syed Navas

... Petitioners

PRAYER: Original Petition filed under Section 372 of Indian Succession Act,1925 read with Order XXV Rule 6 of the Original Side Rules, prays that



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to grant succession certificate to the Petitioners with powers to collect the debts and receive interest if any, specified in the schedule-B hereto.

For Petitioners : Mr.D.Praveen Kumar for
M/s.K.Suresh Babu

ORDER

The petitioners seek the grant of a succession certificate in relation to the debts and benefits described in the schedules to the petition.

2. The petitioners state that late Mr.M.Syed Navas, who was the husband of the first petitioner, father of the second and third petitioners, and son of the fourth petitioner, died at a hospital in Tirunelveli. However, it is stated that he worked and resided at Apollo Pharmacies Limited, Chennai and the assets are within the jurisdiction of this Court.

3. The petitioners assert that the deceased died intestate and no will was found in spite of due and diligent search for the same. In order to establish entitlement to the relief claimed, the petitioners adduced evidence by examining the first petitioner as PW1. During the examination-in-chief of



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PW1, the 11 documents listed at the foot of this order were exhibited as Exs.P1 to P11. The death certificate of the late M.Syed Navas discloses that he died on 02.07.2019. The legal heirship certificate (Ex.P3) discloses the names of the four petitioners herein and mentions their relationship with the deceased. The communication dated 24.01.2022 from Apollo Pharmacies Limited is on record with regard to the death benefits of the deceased. Paper publication was effected in one issue of the Tamil daily 'Makkal Kural' (Ex.P11).

4. Based on the assertions in the petition and the evidence adduced in support thereof, the petitioners are entitled to succeed. Consequently, O.P.No.468 of 2022 is allowed by granting succession certificate to the petitioners in respect of the assets described in the schedule to the petition. Consequently, the petitioners are entitled to collect such assets, receive interest and other accruals thereon and negotiate and transfer the same.

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Index : Yes / No

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Petitioner's witness:

P.W.1 – Mrs.S.Syed Ali Fathima

Documents exhibited by the petitioners:

<i>Exhibit No.</i>	<i>Description</i>
Ex.P1	The photocopy of the death certificate of S.Masthan Sahib (Original is not produced. Counsel for the petitioners insisted for marking of the photocopy of this document. This document is marked subject to its admissibility, proof and relevancy).
Ex.P2	The computer generated death certificate of M.Syed Navas.
Ex.P3	The computer generated Legal Heirship Certificate of Syed Navas.
Ex.P4	The photocopy of the letter dated 24.01.2022 issued by the Apollo Pharmacies Limited with direction to obtain the succession certificate from the legal department (Compared with the original).
Ex.P5	The photocopy of my family card (smart card) issued to my old address (Compared with the original)
Ex.P6	The photocopy of my family card issued to my present address (Compared with the original)
Ex.P7	The photocopy of my Aadhaar card (Compared with the original).
Ex.P8	The photocopy of the Aadhaar card of the 2 nd petitioner (Compared with the original)
Ex.P9	The photocopy of the Aadhaar card of the 3 rd petitioner (Compared with the original).
Ex.P10	The photocopy of the Aadhaar card of the 4 th petitioner (Compared with the original).



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<i>Exhibit No.</i>	<i>Description</i>
Ex.P11.	The copy of paper publication effected in one issue of Tamil daily “Makkal Kural” dated 12.10.2022.

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