



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

TUESDAY, THE 01ST DAY OF MARCH 2022

THE HON'BLE MR. JUSTICE P.VELMURUGAN

O.P.No.581 of 2021

In the matter of Indian
Succession Act XXXIX of 1925
and
In the matter of certain debts
belonging to the Mr.B.M.John
Dhyriam – deceased intestate

1. Mr.J.D.ANANDHA RAO
S/o.Late Mr.B.M.John Dhyriam,
No.28, NSK Street, Puzhal,
Thiruvallur - 600 066.

2.Mrs. L.RAMA
W/o.Luis Paul, LIC,
Bharathidasan Colony,
Kalaingar Karunanidhi Nagar,
Chennai - 600 078.

3.Mr.J.CHITTY PRAKASH DHYRIAM @ J.CHITTY PRAKASH RAO
S/o.Late Mr.B.M.John Dhyriam,
Old No.20, New No.2,
Velayudham Colony,
1st Street, Saligramam,
Chennai - 600 093.

..Petitioners

Original petition praying that this Hon'ble Court be pleased that a

succession Certificate may be granted to the Petitioners with power to

collect the debts being the royalty amount accrued and to receive the interest



and dividends on and negotiate and Transfer the securities specified in the Schedule in the petition.

The 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.

2. The first and third petitioners are the sons and the second petitioner is the daughter of the deceased B.M.John Dhyriam who died on 09.11.2020 leaving behind the petitioners herein as his only legal heirs. The details of the securities for which the Succession Certificate is sought for, are furnished in the schedule to the petition.

3. The third petitioner who is the son of the deceased, 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	Computer generated death certificate of B.M.John Dhyriam
P2	Computer generated legal heirship certificate dated 13.07.2021 in respect of B.M.John Dhyriam
P3	Photocopy of the letter dated 29.01.2021 issued by The Indian Performing Right Society Limited
P4	Copy of paper publication effected in one issue of Tamil daily "Makkal Kural" dated 13.12.2021.

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 documents.

6. It is seen from the death certificate of B.M.John Dhyriam, Ex.P1 that he died on 09.11.2009 and the legal heirship certificate dated 13.07.2021 shows that the petitioners are the only legal heirs of the deceased B.M.John Dhyriam. Ex.P3 reveals that the deceased B.M.John

Dhyriam has pending royalties amounting to Rs.1,00,000/- approximately



from The Indian Performing Right Society Limited. Paper publication has also been effected in one issue of Tamil daily “Makkal Kural” dated 13.12.2021 and the same has also been marked as Ex.P4.

7. 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 in OP No.581 of 2021 shall be granted to 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.
01.03.2022

//Certified to be a true copy//

Dated at Madras this the day of 2022.

SU/03.03.2022

COURT OFFICER(O.S.)

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