



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

THURSDAY, THE 23RD DAY OF JUNE 2022

THE HON'BLE MR. JUSTICE KRISHNAN RAMASAMY

O.P.No.785 of 2021

In the matter of the Indian Succession
Act, XXXIX of 1925

and

In the matter of Debts of Mr.V.Suresh
Kumar, Intestate Deceased

1. LEELA BAI

M/o.(Late) V.Suresh Kumar,
No.55/61, Ponnappa Chetty Street,
Park Town, Chennai - 600 003.

2. LALITHA BAI

W/o.(Late) V.Suresh Kumar,
No.55/61, Ponnappa Chetty Street,
Park Town, Chennai - 600 003.

3. S.KAMALESH

S/o.(Late) V.Suresh Kumar,
No.55/61, Ponnappa Chetty Street,
Park Town, Chennai - 600 003.

4. NIKITHA

D/o.(Late) V.Suresh Kumar,
No.55/61, Ponnappa Chetty Street,
Park Town, Chennai - 600 003.

..Petitioners



This 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 and to receive the interest specified in the schedule in the petition.

This original petition coming on this day before this court for hearing the court made the following order:

This Petition has been filed under Section 372 of the Indian Succession Act, 1925 read with Order XXV Rule 6 of the Original Side Rules, to grant succession certificate in favour of the petitioners.

2. It is the case of the petitioners that the petitioners are the legal heirs of the deceased V.Suresh Kumar, who died intestate on 29.11.2018. During the lifetime of the deceased V.Suresh Kumar, he had deposited money to the Postal Public Provident Fund bearing Account No (New): 0223771606 and as on the date of filing of the petition, a sum of Rs.4,99,831/- is lying credit in the said account. Therefore, the petitioners have filed the present petition for grant of succession certificate in favour of the petitioners, with power to collect the debts and to receive the interest specified in the schedule.

3.It is further stated that other than the petitioners, there are no other



relatives to succeed to the estate of deceased V.Suresh Kumar as legal heirs.

Further, 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, with power to collect the debts and to receive the interest specified in the Schedule.

4. In order to prove his case, the third petitioner examined himself as P.W.1 and marked the following documents;

- (1) Ex.P1 - photocopy of the PAN card of V.Suresh Kumar & Sons
- (2) Ex.P2 - computer generated death certificate of V.Suresh Kumar
- (3) Ex.P3 - computer generated Legal Heirship certificate in respect of V.Suresh Kumar
- (4) Ex.P4 - photocopy of the Postal Public Provident Fund passbook maintained at Park Town Head Post Office standing in the name of V.Suresh Kumar & Sons (H.U.F.)
- (5) Ex.P5 - copy of paper publication effected in one issue of Tamil daily "Makkal Kural" dated 24.03.2022.



5. This petition has been filed for grant of succession certificate in favour of the petitioners, with power to collect the debts and to receive the interest specified in the schedule. However, only the third petitioner has been examined as P.W.1. Further, it is seen that the petitioners 1, 2 and 4 are none other than the grandmother, mother and sister of the third petitioner. The amount lying to the credit of the Postal Public Provident Fund bearing Account No. (New): 0223771606 is Rs.4,99,831/-.

6. Therefore, if Succession Certificate is issued in favour of Mr.S.Kamalesh, the third petitioner herein, who was examined as P.W.1, that would be sufficient. It is further made clear that after the receipt of the said amount, the third petitioner shall divide the same into four equal halves and provide the share to the petitioners 1, 2 and 4 equally.

7. Considering the averments made in the petition and the evidence tendered by PW1 along with the documents marked as Exs.P1 to P5, this Court is satisfied that the third petitioner has succeeded to the Estate of the deceased. Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate to the third petitioner with power to collect the debts and to receive the interest specified in the schedule, is issued.



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

Sd/.K.R.J.
23.06.2022

//Certified to be a true copy//

Dated at Madras this the day of 2022.

su.01.07.2022

COURT OFFICER(O.S.)

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