



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

TUESDAY, THE 19TH DAY OF APRIL 2022

THE HON'BLE MR. JUSTICE P.VELMURUGAN

O.P.No.784 of 2021

In the matter of the Indian
Succession Act XXXIX of 1925
and
In the matter of Debts of Mr.J.Virdi
Chand, Intestate deceased

1. LEELA BAI
W/o.(Late) J.Virdi Chand,
No.55/61, Ponnappa Chetty Street,
Park Town, Chennai - 600 003.

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

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

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

5. V.NIRMAL KUMAR
S/o.(Late) J.Virdi Chand,
No.55/61, Ponnappa Chetty Street,
Park Town, Chennai - 600 003.

**6. NIKITHA**

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

7. MANGALA BAI

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

8. LALITHA BAI

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

9. NANDA

D/o.(Late) J.Virdi Chand,
No.55/61, Ponnappa Chetty Street,
Park Town, Chennai - 600 003.

10. D.VASANTHA DEVI

D/o.(Late) J.Virdi Chand,
No.438, Mint Street, Sowcarpet,
Chennai - 600 003.

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 Original petition has been filed for grant of succession certificate of the deceased J.Virdi Chand who died intestate on 27.01.1995 at Chennai.



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2. J.Virdi Chand died leaving behind his wife Leela Bai/first petitioner, his sons viz., V.Nirmal Kumar/fifth petitioner, V.Suresh Kumar (deceased) and V.Hemanth Kumar (deceased) and his daughters viz., Nanda/ninth petitioner and D.Vasanth Devi/tenth petitioner. The legal heirs of the deceased V.Suresh Kumar are arrayed as petitioners 2, 6 & 8 and the legal heirs of the deceased V.Hemanth Kumar are arrayed as petitioners 3, 4 & 7. The petitioners who are the only legal heirs of the deceased J.Virdi Chand have filed this petition for grant of succession certificate to the petitioners. 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 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 PAN card of Viridi Chand
P2	Computer generated death certificate of J.Virdi Chand
P3	Photocopy of the Legal Heirship Certificate of J.Virdi Chand
P4	Photocopy of the Postal Public Provident Fund Passbook

<i>Exhibits</i>	<i>Nature of the documents</i>
	standing in the name of J.Virdi Chand
P5	Copy of paper publication effected in one issue of Tamil daily “Makkal Kural” dated 23.02.2022.

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. The PAN card of the deceased J.Virdi Chand has been marked as Ex.P1. The death certificate of J.Virdi Chand has been marked as Ex.P1. The legal heirship certificate of J.Virdi Chand dated 01.03.1995 has been marked as Ex.P3. Ex.P4 is the Postal Public Provident Fund Passbook standing in the name of J.Virdi Chand and it shows that in the said account, there is a balance of Rs.5,01,224/- as on 31.03.2019. Paper publication has also been effected by the petitioners in one issue of Tamil daily “Makkal Kural” on 23.02.2022 which has been marked as Ex.P5.



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.784 of 2021 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.
19.04.2022

//Certified to be a true copy//

Dated at Madras this the day of 2022.

SU/28.04.2022

COURT OFFICER(O.S.)

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