



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

FIRDAY, THE 08TH DAY OF APRIL 2022

THE HON'BLE MR. JUSTICE P.VELMURUGAN

O.P.No.627 of 2021

In the matter of Indian Succession
Act XXXIX of 1925
and
In the matter of certain Securities of
Mr.B.K.Shankar - Deceased
Intestate

B.S.RAMYA, aged 37 years,
D/o.B.K.Shankar,
W/o.N.Srinivasa Narayanan,
No.53-1/2, Nagoji Rao Street,
Triplicane, Chennai - 600 005.

..Petitioner

-Vs-

1. Mrs.B.S.VASAVAMBA(F/65 years),
W/o.Late B.K.Shankar,
9/5, T2, Aishwaryam Flats,
HD Raja Street, Alwarpet,
Teynampet, Chennai - 600 018.

2. Mr.B.S.ROHIT (M/28 years),
S/o.Late B.K.Shankar,
9/5, T2, Aishwaryam Flats,
HD Raja Street, Alwarpet,
Teynampet, Chennai - 600 018.

..Respondents

Original Petition praying that this Hon'ble Court be pleased to issue a
Succession Certificate to the petitioner with power to collect the total
securities and to receive interest and dividends thereon as 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 to grant succession certificate to the petitioner with power to collect the total securities and to receive interest dividend thereon as specified in the schedule.

2. According to the petitioner, the deceased B.K.Shankar originally residing at 9/5, T2, Aishwaryam Flats, HD Raja Street, Alwarpet, Teynampet, Chennai and he died on 25.07.2020 in his residence at the abovesaid address. The deceased died intestate and that due and diligent search has been made for Will but none has been found. The abovesaid deceased B.K.Shankar left the petitioner and the respondents as his legal heirs viz., the petitioner as his daughter and the respondents are his wife and son.

3. The details of the securities for which the Succession Certificate is sought for is furnished in the schedule to the petition and its value is Rs.28,91,501/- according to the petitioner. The daughter of the deceased B.K.Shankar has deposed before the learned Master in support of this petition for succession certificate. Before the Learned Master, the following documents were marked as Exhibits.



<i>Exhibits</i>	<i>Nature of the documents</i>
P1	Death certificate of B.K.Shankar
P2	Legal Heirship certificate of B.K.Shankar
P3	Original Statement of account of City Bank dated 01.07.2021 standing in the name of B.K.Shankar
P4	Consent affidavit given by the first respondent
P5	Consent affidavit given by the second respondent
P6	Copy of paper publication effected in one issue of Tamil Daily “Makkal Kural” dated 16.02.2022.

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. As seen from the death certificate marked as Ex.P1, B.K.Shankar died on 25.07.2020 at No.9/5, T2, Aishwaryam Flats, HD Raja Street, Alwarpet, Teynampet, Chennai and he was aged 67 years at the time of his death. As seen from the Legal Heir ship certificate, dated 04.12.2020, marked as Ex.P2, the petitioner and the respondents are the only Legal



Heirs for the deceased B.K.Shankar. The petitioner is his daughter and the respondents 1 and 2 are his wife and son respectively. Respondents are mother and brother of the petitioner respectively. Ex.P3 is the statement of accounts of City Bank dated 01.07.2021 stands in the name of B.K.Shankar. The respondents have also given consent affidavits stating 'no objection' for granting Succession Certificate in favour of the petitioner and the consent affidavits have been marked as Exs.P4 and P5 before the learned Master. Ex.P6 is the the paper publication effected by the petitioners\, pursuant to the directions given by this Court.

6. After giving due consideration to the averments contained in the petition as well as the Exhibits marked on the side of the petitioner, this Court is of the considered view that the relief of succession certificate sought for by the petitioner in OP No.627 of 2021 has to be granted. Accordingly, the Original Petition is allowed.

Sd/.P.V.J.
08.04.2022

//Certified to be a true copy//

Dated at Madras this the day of 2022

SU./18.04.2022

COURT OFFICER(O.S.)

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