



O.P.No.420 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **09.12.2022**

CORAM

THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

O.P.No.420 of 2022

1.R.Ravichandran
2.R.Ramamurthy
Petitioners

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PRAYER: Original Petition filed under Section 372 of the Indian Succession Act, 1925 Read With Order XXV Rule 5 of the High Court Original Side Rules, prays that succession certificate be granted to the first petitioner, with power to collect the debts and to receive the interest specified in the schedule hereunder.

For Petitioner : Mr.B.Thilak Narayanan

ORDER

The petitioners seek the issuance of a succession certificate to the first petitioner in respect of the jewellery described in the schedule to the petition.



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2. The petitioners state that their father, Mr.K.Raghunathan, died intestate on 27.02.2019. Earlier, the petitioner's mother, R.Gowri, died intestate on 16.03.2018. The petitioners asserts that their late parents had two safe deposit lockers at the State Bank of India, West Mambalam Branch. It is also asserted that the permanent address of the petitioner's parents was at No.40, Umapathi Street, West Mambalam, Chennai - 43, which is within the jurisdiction of this Court.

3. In support of this petition, the petitioners adduced evidence by examining the first petitioner as P.W.1. In course of the examination in chief of P.W.1, the 9 documents listed at the foot of this order, were exhibited as Exs.P1 to P9. The death certificate of the petitioner's mother disclosed that she died on 16.03.2018 and that her permanent address was within the jurisdiction of this Court. Likewise, the death certificate of the petitioner's father discloses that he died on 27.02.2019 and that his permanent address was within the jurisdiction of this Court. The legal heirship certificate of the petitioner's father (Ex.P4) shows that the petitioners are his class one legal heirs. The inventory of items, appraiser



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certificate and communication from the State Bank of India are placed on record as Exs.P5 to P7. The consent affidavit of the second petitioner is Ex.P8 and the paper publication is Ex.P9.

4. Based on the assertions in the petition and the evidence adduced to establish the same, the petitioners are entitled to succeed.

5. Accordingly, O.P.No.420 of 2022 is allowed by granting the succession certificate to the first petitioner in respect of the assets described in the schedule to the petition. Consequently, the first petitioner shall be entitled to collect the assets and negotiate and transfer the same.

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Index : Yes / No

Internet : Yes / No

Petitioner's witness:

P.W.1 - Mr.R.Ravichandran



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Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Computer generated death certificate of Mrs.R.Gowri.
Ex.P2	Computer generated death certificate of Mr.K.Raghunathan.
Ex.P3	Computer generated Legal Heirship certificate of Mrs.Gowri.
Ex.P4	Computer generated Legal heirship certificate of Raghunathan.
Ex.P5	Photocopy of the form of inventories regarding the articles in the locker which was taken by the Bank in my presence and in the presence of Notary Public. (Witness submits that the Bank has issued only the photocopy of the same. This document is marked subject to its admissibility, proof and relevancy)
Ex.P6	Photocopy of the Appraiser certificate issued by the Branch Manager, State Bank of India. (Witness submits that the Bank has issued only the photocopy of the same. This document is marked subject to its admissibility, proof and relevancy)
Ex.P7	Photocopy of the letter dated 01.06.2022 issued by the Chief Manager, SBI Bank, regarding delivery of locker contents held in safe deposit locker of the deceased Mr.Raghunathan. (Compared with the original)
Ex.P8	Consent affidavit given by the second petitioner.
Ex.P9	Copy of paper publication effected in one issue of Tamil daily "Makkal Kural" dated 25.09.2022.



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