

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

TUESDAY, THE 14TH DAY OF JUNE 2022

THE HON'BLE MR. JUSTICE KRISHNAN RAMASAMY

O.P.No.581 of 2020

In the matter of Indian Succession
Act, XXXIX of 1925
and
In the matter of debts / securities
belonging to the Krishnaraj.M.B.-
deceased Intestate

1. K KOMALA
W/o.Late M.B.Krishnaraj

2. MINOR K.KIRTHISHA
Represented by her mother and natural guardian
K.Komala at No.1 and 2,
Wife of, daughter of Late Krishnaraj M.B

3. B.AMSAVENI
W/o.Balasubramanian,
All residing at No.51,
Thangaraj Street, Etti Annal Nagar,
Poonamallee,
Chennai-600 056

..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 Sections 300 & 372 of the Indian Succession Act XXXIX of 1925 read with Order XXV Rule 6 of the Madras High Court Original Side Rules, to grant succession certificate in favour of the petitioners.

2. It is the case of the petitioners that they are the legal heirs of deceased M.B.Krishnaraj, who died intestate on 01.01.2020. The 1st petitioner is the wife, the 2nd petitioner is the minor daughter of the deceased M.B.Krishnaraj, the 3rd petitioner is the daughter-in-law and the 4th petitioner is the son of the deceased M.B.Krishnaraj. The petitioners are the only surviving legal heirs of the deceased M.B.Krishnaraj and the petitioners are filing this petition for grant of Succession Certificate in favour of them.

3. It is further stated that the other than the petitioners, there are no other relatives to succeed the estate as legal heirs. Therefore, the petitioners are entitled for share in the estate of the said deceased.

4. 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 them with power to collect securities and to receive interest, dividends thereon and negotiate and transfer the securities specified in the petition schedules.

5. In order to prove their case, on behalf of the petitioners, one Mrs.K.Komala, 1st petitioner herein, is examined as PW.1 and marked Exs.P1 to P7. Ex.P1 is the computer generated death certificate of M.B.Krishnaraj. Ex.P2 is the computer generated Legal Heirship certificate dated 28.01.2020 in respect of M.B.Krishnaraj. Ex.P3 is the downloaded copy of the birth certificate of K.Kirthisha. Ex.P4 is the photocopy of my marriage certificate dated 30.07.2014. Ex.P5 is the photocopy of the cheque book requisition. Ex.P6 is the photocopy of 1st petitioner's passport and Ex.P7 is a copy of paper publication effected in one issue of Tamil daily “Makkal Kural” dated 25.02.2021. Despite the paper publication also, none has appeared and raised objections.

6. Further, one Mrs.B.Amsaveni, who is the 3rd petitioner herein, is examined as PW2 and no exhibits were marked.

7. Considering the averments made in the petition and the evidence tendered by PW.1 along the documents marked as Exs.P1 to P7, this Court

is satisfied that the petitioners have succeeded the Estate of the deceased M.B.Krishnaraj. Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate to the petitioners with power to collect the debts and to receive the interest and dividends on and negotiate and transfer the securities 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.
14.06.2022

//Certified to be a true copy//

Dated at Madras this the day of 2022.

SU/17.06.2022

COURT OFFICER(O.S.)

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